

**Report**  
**on**  
**Prevent and Respond towards Violence against  
Children through a System Approach**

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Study team

## List of Abbreviations

ASP	Assistant Superintendent of Police
BCS	Bangladesh Cha Sangshad
BCU	Bangladesh Cha Union
BTS	Breaking the Silence
CBOs	Community Based Organizations
CBCPC	Community Based Child Protection Committee
CRC	Child Rights Convention
CRP	Child Right Program
CSA	Child Sexual Abuse
CT	Consultant Team
FGD	Focus Group Discussion
GOB	Government of Bangladesh
HIV	Human Immune Virus
KII	Key Informant Interview
LEA	Law Enforcing Agency
LEB	Local Elected Body
MDGs	Millennium Development Goals
MoU	Memorandum of Understanding
NGO	Non-Government Organization
NPA	National Plan of Action
OC	Officer-in-Charge
Po	Project Officer
PRA	Participatory Rapid Appraisal
SCI	Save the Children International
SC	Socialization Center
STD	Sexually Transmitted Disease
ToR	Terms of Reference
UP	Union Parishad
UNICEF	United Nation's Children Fund

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## **Executive Summary**

### **Introduction**

Tea garden workers in Bangladesh in general, and children in particular, have, long been a disadvantaged, deprived, under-served, exploited and alienated group. Among the tea workers, some thirty six ethnic backgrounds have been identified and their well-being is highly dependent on the ownership and management arrangements of the tea gardens in which they live and work. Lack of social protection and awareness of adult and garden management, interference of national politics and the cultural practices heighten the risk for children to become victim of any sort of ill-treatment and violence within the community.

This report is the outcome of the situation analysis of 'Prevent and Respond towards Violence against Children through a System Approach' project, implemented by BTS and funded by Save the Children International in Sreemongal under Moulvibazar district in Bangladesh that had assigned to a team of consultants by BTS to do a situation analysis of the children of tea garden who maybe victims of sexual abuse, exploitation and at risk to be abused. For this purpose BTS as a piloting basis has been actively working towards 'awareness raising' and 'building a support mechanism' in two tea garden in Sreemongal. Collection of 'situation analysis' data for future analysis of the efficacy of existing interventions to scale up the program in upazilla is part of this mandate.

### **Methodology**

A mixed method had been followed to collect both quantitative and qualitative data. Quantitative survey had been carried out among community people and children by following the standard statistical method of sampling. Through PRA a wide range of stakeholders were get involve in the study in order to generate and validate data.

### **Findings**

#### **Types of sexual abuse**

Depending on types of sexual abuse the severity and importance of the issue varies a lot to different groups of people. 53% children and 48% parents said that when anyone do anything against the consent of the child that is sexual abuse. To them having physical relation with boys, teasing and rape also considered as sexual abuse. In garden cultural adults and children both category believes that having sexual relation right after puberty is natural and adolescent's do have the right to enjoy sex. Opinion of children and adults are different in two intervention tea gardens where BTS has been working for last three years, in these gardens to the adults of these two gardens having sexual relation after

puberty is natural but harmful. They think it has negative impact on health and basically it encourages and accelerates early marriage.

### **Types of perpetrators**

Ironically both adults and children identified neighbors and relatives as most risky people for children. Adults said among abusers 29% are relatives, 32% are neighbors and 18% are peers from the same community. Children said among abusers 30% are relatives, 37% are neighbors and 15% are peers. This indicates that children are insecure at home and in the neighborhood. From survey and qualitative findings it's clear that neighbors, relatives and peer groups are playing a vital role in children's life as abusers. In case of their bad experiences with peers from the same ethnic group children hardly disclose that to parents even. In tea garden according to panchayet, media people, UP members and representatives of level trade union over majority of children below the age of 18 and above 10 are having sexual relations as part of life and the magnitude of these relations is to have sexual intercourse on a regular basis.

### **Where and how children are mostly abused?**

Findings show that children are mostly abused in quiet places in the garden and at home. According to 42% children are abused in a quiet place and 24% at home and on the other hand adults said 42% children are abused in a quiet place and 25% are abused at home. Irony of life is apart from living spaces and offices entire tea garden is a quiet place. Girl children said that they feel uncomfortable to go to any public places like puja and community organized cultural programs, rush utshab etc. because in these festivals even 15 years old boys drink a lot and when men and boys are drunk that causes problems in their life.

### **Types of violence and ill treatment**

At home and in school children are victims of ill treatment and violence by the elderly people and by teachers. Practice of corporal punishment is quite high in primary schools. But in NGO operated schools which are in the same community teachers are not giving corporal punishment to children. Quantitative and qualitative findings show that adults believe punishing children is an absolute necessity in life, because if they do not show juniors the right path by punishing them while children are doing mistakes then in future these generations will not grow as proper human beings. On the other hand due to the impact of socialization children strongly believe if parents and elders do not discipline them by punishing otherwise they will not grow up as a proper human being.

### **Situation of early marriage in gardens**

According to media people, representatives of level trade union, panchayet, and garden management and UP members in tea garden 70% people get married when they are children. Overall in Bangladesh the rate of child marriage is very high, but among the tea garden population it's higher than the national rate. They 90% children know about child marriage

but to them it is not a problem to get married early. 14% children think become a young parent is problematic, 21% children think risk of maternal death increases if children marry early and 28% children think if they marry early then their physical development would be stop earlier. Parents almost echo children's statement 17% parents said early marriage means early pregnancy and in early pregnancy risk of infant death increases, 47% parents said that early marriage have negative impact in both persons physical development and 23% parents said due to early pregnancy during delivery mothers have many physical complicacies.

#### **Status of service delivery and various 'awareness raising' programs**

Government and NGOs have been working in different tea gardens to provide education and related WASH services to the TEA Garden population. BTS is the only NGO which has been providing training on Child protection issues within the umbrella of awareness raising activities. Following services are available in the garden provided by GOs and NGOs. Others are mainly providing primary & preprimary education and WaSaH trainings to garden children.

#### **Status of institutional care for children living in tea garden**

BTS is the main sector player in Shreemangal who provides institutional care for the children to protect them from harassment and sexual abuse through various activities and formation and capacity building of Community Based Child Protection Committee (CBCPC), monitoring, reporting and advocacy to accelerate the activities of Village Court and Violence against Women (VAW) Committee. In sreemongal they do not form the upazilla child welfare board. Upazilla Social Welfare officer act as probation officer in Sreemongal and he has good working relation with local thana. Institutions who are working for children living in the tea garden are not really having collaboration and coordination among them. They have no horizontal networking among them and also not have any vertical relation with existing govt. mechanism to protect children from any kind of violence.

#### **An account of child participation at school, home and community in tea garden**

Findings of the study clearly shows that in a culture of vertical power relation where the notion of listening to children do not exist. Teachers do not allow children to speak up and share their problems and quarries about life with them. According to the findings of the study it is clear that in a culture of vertical power relation where the notion of listening to children do not exist even if children become aware about CSA, still not safe in the school.



### **Child participation at home**

The exiting study findings shows that adult are very reluctant about children's movement, relationships and their freedom to choice their partner. If any kind of violence and sexual abuse ever happens in the garden in general we gathered from the survey that 65% children share their problem with both parents, 12% children can share their problem with other sibling, and subsequently their family and clan take decision about next action.

### **Child participation at the level of communities**

At community level children are participating in recreational activities children do not have any right to participate in any activates of arbitration within their own ethnic group or even in panchyet. According to their culture children in these communities choice their partner on their own but once the marriage has been fixed decisions related to marriage rituals are taken by the community and mostly by the headman and panchyet.

### **Social Protection Mechanism to protect children from Sexual Abuse in tea garden**

Virtually there is no social protection mechanism in garden to protect children from different types of abuses and early marriage. CBCPC recently formed in one ward of khalighat union, but the committee is too new and yet not fully aware about their role. There is a standing committee in union parishad 'family conflict eradication and women and children welfare standing committee' to look after the issues of violence against women and children but UP chairmen and members do not know the role of this committee. Clan, Panchayet and chairman try to address reported cases sexual abuses and violence against children according to their own cultural rules.

### **Social Protection Mechanism to protect children from other form of ill treatment and violence.**

Other forms of ill treatment and violence as reported during our survey are: Heating and scolding by teachers, teasing and harassment by the friends, relatives, neighbor, teachers, outsiders etc. Garden owners and panchayet even do not consider these types of violence and ill treatment as an issue to worry about.

### **Coordination and Collaboration among sector player and Multilayer role of NGO's, Go and Civil Society:**

Findings show that in different levels there are different actors who can jointly play a strong role in protecting children from. But there is a conflict of interest among the sector players to work together and due to the interference of national political patties in the garden now garden owners do not like to involve them in the day to day life management of the garden. At the level of NGO intervention they have virtually no functional relation with each other. In tea garden children needs to get access to a comprehensive services in order to protect them from all kinds of violence against them

and from child marriage. BTS has done a service provider mapping in Sreemongal upazilla, which will help their target people to get the services from right place when needed.

At local level govt. officers are not concern about CSA issue as they are not delegated the responsibility from top. Our findings from KII with respective govt. officer and FGDs with NGOs, local government institutions and media shows that among these different sector players they have minimum coordination and collaboration among them.

### **Current status of the role of tea garden management and panchayet in protecting children from sexual abuse and child marriage.**

In 2014 August a new locally elected body called Panchayet was formed to look after the interest of tea garden labours. A seven member Panchayet team is elected for 2 years by the tea garden registered labours to negotiate/facilitate as well as ensure the common interest of the garden labours through a written dialog with the tea garden authority. Beyond these responsibilities panchayet also works as the arbitration body in the garden for all ethnic groups. Previously any social and legal issues within tea garden was first reported to garden management for action. No matter how big or small the issue is every matter was handled by garden management with their own rules and regulations within their territory without any external interferences. Since 2005 as level trade union and panchayet become a political entity in sreemongal tea garden management has withdrawn their support /control from the day today's affairs of garden laborers as well as their socio cultural issues. As a result at present Garden management do not play any role in protecting children in the garden communities who are sexually abused.

### **Current status of respective govt. offices in child protection form sexual abuse, ill treatment and any form of violence.**

Local government representatives are the union parishad, upazila administration (UNO), police, women affairs officer, social welfare officers etc not really functionally attached to tea garden to provide services to garden population. The fact is whatever happening within the tea garden usually not known to others beyond that physical territory.

### **Current status of local media in child protection form sexual abuse, ill treatment and violence.**

In sreemongal our findings shows that to media people early marriage, having sex at a very early age, sexual abuse these are part of life of people living in the tea garden and all these are happening due to their cultural practice of openness and free mixing between both sex. They even do not feel that these are issues needs to be bring upfront by doing investigative journalism. Local media people are controlled by the garden owners, BCS, BCU and three tier trade union people as they are really very powerful in the country.

### **Limitations**

Given the time frame and financial constraints, the assessment could not cover a large sample size; therefore, it may not claim to be a classically representative one. However, under the real circumstances, the study attempts to provide some understanding of the knowledge, attitude and practice of the children, community people, LEB, local elite, local govt. institutions, government and law enforcement agencies in Sreemongal. One of the biggest constraints of this situation analysis was the short length of field work. Due to time constrain we were unable to follow the proper procedure to make appointment with garden owners and representatives of owners, therefore we were unable to take the interview of garden managers. But unofficially some managers had informal discussion with the study team and as we took unofficial interview of them therefore we are unable to disclose their details. Apart from that we were unable to conduct any kind of formal or informal discussion with married children as they denied to show up and the staff of BTS Sreemongal team was unable to organize them in their intervention gardens.

### Key Recommendations

- Right now as there are no services available in Gardens to protect children from sexual abuse, early marriage and ill treatment BTS needs scale up their current program in other unions and gardens also.
- Situation of children living in tea gardens are different from rest of the Bangladesh. Children are much more exposed to sex and violence but the entire community have knowledge gap regarding sexual abuse, Child rights and development. Due to the culture of the ethnic groups it has been regarded as rights of children to enjoy sex earliest at the age of 10 and the mean age of children having sex is 12 years. BTS needs to scale up their awareness program gradually in the whole tea garden areas of Sreemongal.
- In tea garden addressing one issue will not solve the problem of children and that will not protect them from sexual abuse, early marriage and gender based violence. Organizations like BTS needs to implement integrated program which will address other issues i.e health education, education, WASH and child protection.
- Children are having sexual contact too early and they do not have any health education therefore children are at high risk to get STIs and STDs. BTS along with child protection and awareness also need to introduce reproductive health education in Tea Garden areas.
- Adults needs to be part of the whole program. Unless adults realize that they need to change some of their cultural practices for the better future of their own children none of the awareness program will be effective for the population living in the tea garden.

- For the safety of the children BTS needs to do advocacy with Bangladesh Cha Sangshad (BCS) and Bangladesh Cha Union (BCU) to establish a day-care for children of tea labor.
- In order to protect children from early marriage and to bring them under marriage and birth registration law of the land BTS needs to do strong advocacy with UPs and Upazila to actively work in the tea garden.
- Also BTS needs to do lobbying with line ministry to ensure stipend for all primary school children in tea garden and for those who are studying in high school to increase the age.

### **Conclusion**

Our journey through the lives of children and the organizations working in tea gardens has been an eye opener. We have come across incidents that have been unheard before. What we do with this information is the next big question. Where and how programs that is working somewhat effectively in this area can go, can we help them to develop better programs that reach more children, families and ethnic communities, and where would the 'financial' support come from are some questions that we need to address. Hopefully this report will shed some light on these important issues.

# Chapter 1

## Introduction

This report is the outcome of the situation analysis of 'Prevent and Respond towards Violence against Children through a System Approach' project, funded by Save the Children International and implemented by BTS in Sreemongal under Moulvibazar district in Bangladesh that had assigned to a team of consultants by BTS to do a situation analysis of the children of tea garden who maybe victims of sexual abuse, exploitation and at risk to be abused. For this purpose BTS as a piloting basis has been actively working towards 'awareness raising' and 'building a support mechanism' in two tea garden in Sreemongal. Collection of 'situation analysis' data for future analysis of the efficacy of existing interventions to scale up the program in upazilla is part of this mandate.

### **1.1 Background of the Situation Analysis of child protection in regards of CSA & GBV**

Children of the Sreemangal Upazila are experienced with different vulnerability including abuse, neglect, violence and exploitation. Many of children are affected and even more are at risk in the upazila. This affects children's rights to survival, development and participation. Children are often suffer from this trauma in silence which is followed by terrible consequence in the way they grow up and develop. A huge landscape of Sreemangal is covered by tea gardens where the labors of garden live a measurable life. They earn very little and live in congested houses which pose a real environmental risk to the children in terms of protection from sexual and other forms of abuse. Parents work in the garden all day long to earn their bread. Children, in most of the cases, have no choice but to stay alone in an unprotected environment. Even when parents stay with their children, they don't be mentally fit enough to take care of their children in proper manner. Living in a family of tea garden is like living in a socio-economic trap where protection of children is a matter of luck and luxury.

To address different risks of vulnerable and marginalized children, BTS started to work since 1994 with support from Save the Children in Bangladesh (SCiBD). It started working with the marginalized community in the tea garden areas in 2012.

Breaking the Silence (BTS) is implementing a project named "Prevent and Respond towards Violence against Children through a System Approach" (PRCSA) with the support from SCiBD. The purpose of this project is to protect children from sexual & gender-based violence including Child Marriage through a system approach in project areas.

The main activities of this project are engagement of Men and Boys through group formation, Awareness raising, capacity building, increasing availability of community based

services for the survivors, Formation and capacity building of Community Based Child Protection Committee (CBCPC) monitoring and reporting and advocacy for more functioning the Village Court and Violence against Women (VAW) Committee.

With a view to scaling up this project to other concerned unions, BTS is going to conduct a situation analysis at Sreemangal. This situation analysis will identify the socio-economic condition, demographic facts and livelihood of the people of Sreemangal tea garden areas that will help to know the vulnerability of children towards CSA, sexual and gender based violence (SGBV) and other forms of child abuse.

## **1.2 Rational of the Situation Analysis**

There are 42 tea gardens in 9 unions of Sreemangal. Like other tea gardens in Bangladesh, Sreemangal tea garden communities are also some of the most vulnerable communities. Considering the socio-economic backwardness, they deserve special attention of the state beyond just equal treatment. But unfortunately they continue to remain socially excluded, deprived of basic rights, low -paid, overwhelmingly illiterate and disconnected from information and other services.

Gender based violence, especially domestic violence (both mother and children) is very widespread. Child marriage is a very common practice among them. Most of the female get married at the age of 14 or before. Being married as a child, the female members of the tea garden become mothers at a very early age as well, and on an average, they bear many children.

The habit of taking alcohol among the male and female adults is huge and for this reason they cannot take part in the wellbeing of their children's lives. That's why their children are neglected by them and they are not aware about their children's protection.

Child sexual abuse (CSA) is very common in the life of the children of the tea garden. Poor relationship and communication gap between parents and children worsen this epidemic. Children are facing lots of trouble regarding sexual abuse but don't know how to address that themselves and how to engage their duty bearers in combating CSA. Children of the community are living a frustrated life as they sense the feeling of living in an island- isolated from the mainstream Bangali community who sometimes treat them as untouchables. They are deprived of a socially dignified life.

Most of the children want strategic services from the state and NGOs in the area of protection, education, nutrition and health, food security, water and sanitation. Being deprived, exploited and alienated, the majority of the children of the tea workers live an inhuman life. Most of the children want to see their life protected from any sort of abuse,

negligence and also want to enter into an inclusive society where their culture and social dignity will be protected and upheld.

Breaking the Silence, under child protection section of Save the Children, has been working since 2012 in tea garden areas of two wards (Bharaura and Khaichora) under Kalighat Union. But after considering above mentioned situation, Save the children and BTS revealed and realized that to bring the children of the tea garden under child protection system, existing programs need to be scaled up to other areas of Sreemangal gradually. That's why Save the Children and BTS have taken initiative to conduct an in-depth situation analysis at the Sreemangal tea gardens.

### **1.3 Objectives of the situation analysis**

The study will be carried out to assess the situation of the Sreemangal tea garden situation with respect to children's rights, particularly rights around SGBV and Child Marriage. It will serve to increase understanding and to identify necessary action on issues affecting their realization.

#### **Specific objectives**

This Situation Analysis is an assessment of the specific objectives of this study are given bellow.

- To understand and analyze the knowledge of community people on the concepts of child rights, child protection, violence against children, unsafe migration and trafficking
- To understand and analyze the existing situation of SGBV and child marriage at different contexts
- To understand the depth and types of SGBV at home, at community, at School and at work settings
- To determine the existing 'resolution mechanisms' in the community on SGBV and Child Marriage
- To understand and analyze the role of *Panchayet*, Garden owners and management in dealing with SGBV and Child Marriage and their relation with local govt., CBCPC and DCWB etc.
- To analyze the types of CSA, places of CSA incidents happens, types of perpetrators and existing services available for abused children.
- To find out existing initiatives of community, GOs & NGOs on child protection (CP) issues.

- To identify the available services for children, victims' access to services and the access of most disadvantaged children to the system of the state to develop themselves.
- To improve the understanding of partners, decision-makers and all other stakeholders of the current status of children's Protection, particularly around SGBV and Child Marriage in the tea gardens

#### **1.4 Study team**

Study team members have been comprised of the following persons with diversified expertise and proven experiences in the areas of child rights and protection and Gender and other qualitative and quantitative social research, development issues:

- Ms. Rabeya Rowshan, Principal consultant, Social Anthropologist and Gender Specialist.
- Afroz Huda, Co-investigator, Gender and Public Health specialist.

Along with two principal investigators and two supervisors and 8 enumerators worked in 6 areas to collect information from the field and to conduct community based survey in sample population. FGD and KII at community and stake-holder level conducted by the core team members.



## Chapter 2

### The Main Task

#### 2.1 Introduction to the BTS project and our task

One of the priorities to BTS future plan is to scale up their current project to combat Child Sexual Abused, Child marriage and gender based violence in Tea Gardens. With a vision to aim for a society where **girls and boys from various socio-economic and ethnic backgrounds and ages are not harmed from child sexual abuse, child marriage and gender based violence**. The theme will aim at reducing and enhance and increase resilience of girls and boys towards the above-mentioned Child Rights violation. It will also promote the establishment of or to strengthen existing structures of the state and community to protect children from any kind of violence against them. In addition, it will advocate for relevant changes in laws and policies and for effective government monitoring mechanism specifically for children living in tea garden.

To fulfill the above objectives, tasks have been divided up such that at first, a survey was designed, and then data were collected on various GoB officials, management of Tea gardens, other sector players working in Sreemongal and level trade union. Both qualitative and quantitative data have been collected. After the data is collected and compiled, the teams produced the final report, which is a report of the overall situation with recommendations for future actions to be taken in order to combat this very important issues of child abused, early marriage and gender based violence and violation of child rights and child welfare.

#### Program Focus

The program supported by BTS primarily focuses on tea garden children who have been abused and who are at risk. Furthermore the parents, teachers and the wider community will also be addressed. Networks will be strengthened among civil society actors and their capacity will be built in order to prevent and protect children from sexual abuse, early marriage and Gender based violence.

#### 2.2 The team orientation and the time frame

◆**Orientation of the team:** All the core team members were involved in the process of designing the survey framework and the tools/instruments used. Additionally, a two-day long orientation exercise was conducted to clarify the study objectives, methods and techniques to be used for information collection, verification and for ensuring quality of information. Team members helped to train the research assistants for their jobs.

◆**The Time frame:** The study was carried out during Nov 2014-December 2014. The period includes preparing and designing the survey in consultation with SC and it's all

partners; data collection, compilation etc., reporting and presenting the findings to the management of BTS.

### 2.3 Methodology used

In general, the study methodology was highly participatory. Along with quantitative survey a wide variety of PRA techniques were used to generate information and data from the community, NGO and different stakeholder groups. To conduct the survey and situation analysis the following methodological steps were followed:

#### 2.3.1 Sample Design and Sample Size

As the number of study population is not mentioned. For any unknown population, as we know the formula for the sample size calculation is;

$$\text{Necessary Sample Size} = (Z\text{-score})^2 \times \text{Std Dev}^2 / (\text{margin of error})^2$$

*Here is the calculation as we choose a 95% confidence level, .5 standard deviation, and a margin of error (confidence interval) of +/- 5%, and Z-score 1.96 as it corresponds to the Confidence level.*

So,

$$((1.96)^2 \times .5(.5)) / (.05)^2$$

$$(3.8416 \times .25) / .0025$$

$$.9604 / .0025$$

$$384.16$$

385 respondents are needed.

Based on the available categorical list of the target people we distributed the sample size in each category proportionately. All categories of sample were randomly selected for the survey. And for the four study areas namely; tea gardens of Sreemongal upazila under Moulvibazar District. To distribute the sample in an equal number the total sample size was  $100 \times 6 = 600$  and we took interview of 50 children (25 girls & 25 boys) and 50 parents/community people (25 male & 25 female) in each garden. Apart from that we will also work in two primary schools where we conducted 50 interview with children from grade four and five. Therefore all together the sample size was 655 in total.

#### 2.3.2 Review of Document

The key Team Members (team leader and research team) reviewed all the relevant documents and literature available on the CSA, early marriage and gender based violence from BTS and their partners before starting the preparation for fieldwork. This

extensive review helped to develop the tools for the data collection to be done through surveys and situation analysis. The following documents were reviewed:

- Project proposals
- Project activities reports of BTS
- Guidelines for implementation of the Programme
- Log frame/Matrixes
- Previous baseline Survey Reports (if available)
- Previous sector specific monitoring reports (if available)
- Other relevant documents

### **2.3.3 Methods of Data Collection**

**Survey:** Questionnaire survey administered among the school children and working community people from different categories, children (boys and girls) aged 11-17 years, parents, and community people the data collectors will survey all the selected samples of the target population i.e. parents, children and community members by using Structured Questionnaire based on the project proposal.

**Observation:** As children from primary school was not able to describe and conceptualize the issue of CSA, we spent whole day with primary school students to observe their activities.

**Focus Group Discussion (FGD):** we conducted one FGD in each area with each of the following group;

- Children (boys and girls) aged 10-18 years,
- Parents and community people.
- Other community children, youth
- formal and informal community based organizations,
- Electronics and print media people.
- Members of CBCPC and Child welfare board
- Locally elected members (UPs)
- Other organizations working in Sreemongal

**Key Informant Interview (KII) or informal discussion:** We conducted KII in study area with each category of following target people;

- Various services providers at upazila level,
- Law enforcing agency at local level.
- Governments Institutes (LGI).

- Members of various lobby and advocacy groups, coalition and committees at local and upazilla and district level.
- Level trade union leaders former & current.

## 2.4 Key Contacts

The consultant team members during the data collection and information generation phase of the survey and situation analysis meet with a quite large number of people. The purpose of meeting different section of community i.e. survivor children, parents and stakeholders mentioned in the ToR is to cross-check the information provided at different levels and to get a better understanding about their roles and responsibilities. The following categories of people were involved in the whole situation analysis;

- Children (boys and girls) aged 11-17 years and 6-10 years, parents, and community people.
- Other community children, youth,
- community based organizations,
- school children and
- teacher,
- Married children
- Electronics and print media people.
- Management staff of garden and members of panchayet.
- Various services providers at upazila level,
- Law enforcing agency at local level and representatives of Local Governments Institutes (LGI).
- Members of various lobby and advocacy groups, coalition and committees at local level. ,
- Staff of partner organization and BTS.
- Members of CBCPC and Child welfare board etc.

## 2.5 Limitations of this study

Given the time frame and financial constraints, the assessment could not cover a large sample size; therefore, it may not claim to be a classically representative one. However, under the real circumstances, the study attempts to provide some understanding of the knowledge, attitude and practice of the children, community people, LEB, local elite, local govt. institutions, government and law enforcement agencies in Sreemongal.

One of the biggest constraints of this situation analysis was the short length of field work. Due to time constrain we were unable to follow the proper procedure to make appointment with garden owners and representatives of owners, therefore we were

unable to take the interview of garden managers. But unofficially some managers had informal discussion with unofficially we are unable to disclose, which off. At upazila we were unable to take the interview of Social welfare officer as he denied to talk to us. Apart from that we were unable to conduct any kind of formal or informal discussion with married children as they denied to show up and the staff of BTS Sreemongal team was unable to organize them even in their intervention gardens.

According to inception we were supposed to work with high school going children in the intervention school of BTS, but as in school they had government prefixed dates of final exam of grade eight so we were unable to take interview of 200 school going children from BTS intervention high schools. Due to the non-availability of high school going children our actual sample size reduced to 650.

To generate better and useful information we needed a longer time frame that is so necessary for in-depth situation assessment or analysis. Specifically it can be pointed out that the time frame for this research is too short to understand the social structure of tea garden and it's functional relation with system.

## Chapter 3

### Review of Relevant Literatures on Child sexual abuse, exploitation and child marriage issues

#### 3.2 Child Abuse/ Violence (Different Forms, Causes and Afterwards):

Children all over the world are vulnerable to abuse/ violence based on the class, power and social system where they live. The knowledge, attitude and behaviors of child sexual abuse and exploitation vary from the society to society and class status of the children as well as to other people to support the children. Parents and other close kins are almost unaware to some extent about the nature of the violence/ abuse the children experience in their childhood. Also the most abuse/ violence cases of children occurred in the family level by the close family members and the relations in most cases remain unnoticed to all. Though some perpetrators are strangers, children were found to more commonly be victimized by close relations. Parents, step-father, step-mother, brother, cousin, brother-in-law and uncle were identified as abusers by participants. Influential and socially respected persons like teachers, religious leaders, police, and community leaders, were also found to be misusing their power and/or status to abuse and exploit children. Study Children's Perspectives on Abuse: A study in three rural/urban communities in Bangladesh by Rachel Kabir and others showed that sometimes Children go to Certain people like *Mother, Father, Elder brother, Elder sister, Dada, Dadi, Friends (educational settings), Friends (workplace)* for Support, but very often they were not treated as they explained the matter to their hopefully supportive people. At times they are rebuked for such allegations. People from all platforms are against of the child abuse/ violence, but children are being abused and the child rights are being violated in family and private level where most often children do not have any places to object/ complain.

In different forms children become the victim of abuse/ violence either may be sexually or may be in other abusing forms. Abuse always starts with the use of verbal language, the form of passing comments with contents of sexual acts, talking about sexual organs or making reference to the female body in a vulgar manner. Looks used to express desire for a sexual act, such as physical movements, *ishara* (sign), and to gaze at a child with sexual intention indicated by the eyes, specifically *chok tepa* (winking), other acts, such as the removal of a girl's *orna* (scarf) were recognized by students and eve teasers as CSA.

The understanding level, perception and knowledge regarding the child abuse and violence are sometimes responsible for the child abuse and violence. Study on the

Knowledge, Attitude and Behavior (KAB) of Child Sexual Abuse and Exploitation (CSAE) in Bangladesh conducted by Farzana Islam and Mehtab Khanam (2011) by adopting Finkelhor's model of the "Four Pre-conditions" to the occurrence of sexual abuse showed that the (Knowledge, attitude and behavior) KAB of students, teachers, parents, community members, police, religious leaders, child sex workers, mothers of child sex workers, street children, eve-teasers, young criminal offenders, community organizers, NGO workers and partners of SCI regarding the child abuse and violence are not same. A large number of people are unable to distinguish between affection and abuse. This makes it harder for children to get support when an act of abuse occurs.

In poor families, where parents and children live in one small room, children are frequently exposed to adult sexual activities. This ignites children's curiosity towards sex and makes them interested in trying such things themselves, which may eventually contribute to CSAE performed by or to them. On the other hand, in rich households, unmonitored private space allows CSAE to occur easily and also remains overlooked. Regarding the child abuse protection, a study on Community Based Child Protection: Experiences of UDDIPAN and SCI, Conceptual Understanding on Community Based Child Protection System conducted by Uddipan showed that Child-centered Community Based Protection method as an approach through which children, families and communities can be active participants in promoting and protecting their children's rights rather than passive recipients of assistance.

Psychosocial counseling, as part of the protection mechanism, is not defined. Protect children from injury and unnatural death from drowning, road accident, fall from tree are at best sporadically addressed or discussed by ShaPak. Establishing poverty and community based child protection is a difficult task. Non-discriminatory interventions may allow children from poorer families to benefit from CBCP. And, escalation of advocacy and programmes to protect children from economic exploitation and child labour may make CBCP more oriented towards poor children and be able to help communities out of poverty sustainably. Life-skill development of rural youth and rehabilitating children from hazardous work to dignified income generating opportunities may contribute to poverty alleviation.

Global Capacity Building Workshop on Working with Boys and Men on Ending Violence against Children, 2007, Global Task Group on Violence against Children, Report by Savita Malla, Fahmida Shoma Jabeen, Ravi Karkara and Neha Bhandari focused on the root causes of violence related to the process of construction of gender roles and gender socialization and masculinity. Not all boys are socialized to be violent and the fact that not all definitions of being men imply violence gives us hope for changing the world we live in. Neither all boys adopt these gendered behaviour patterns nor do they execute these roles all the time. Thus it is important to identify and promote the many positive

values and norms that make men peace makers, caring fathers, supportive spouses and non-violent negotiators.

Children's Perspectives on Abuse: A study in three rural/ urban communities in Bangladesh, Rachel Kabir and others showed that there are some *Important Places and People in Children's Lives* give the context in which children experience negative behaviors, namely, the most important settings in their lives, and the key people in those settings. Certain places and people emerged as being of central importance to all children, irrespective of their gender, age, socio-economic background and the setting in which they lived.

Children with disabilities are more vulnerable to the abuse/ violence comparing to the physically and mentally stout children. Study on Explore the Vulnerability of Sexual Abuse and Exploitation of Children with Disabilities by Dr. Naila Zaman Khan (2010) in a country level situation analysis showed the understanding of the vulnerabilities of sexual abuse and exploitation of children with disabilities (CWDs). The parents, community people, especial education teachers and even service providers have a little understanding about the meaning of disabilities of children, concepts of child sexual abuse, effect of child sexual abuse, intervention for survivors of child sexual abuse. Most cases, parents are kept out of side to their disable kids. The most vulnerable factors are age, types of disabilities, economical status, region, working condition of children with disabilities etc. Lack of self protection, social stigma and taboo, lack of education, attitude towards children with disabilities, unaddressed the rights of disabilities in the society, inappropriate knowledge and learning of sex and sexuality, lack of social safety-net make children with disabilities more vulnerable than non-disable one. Whenever the disable child becomes abused by others, there emerge fear, anxiety, and depression among them and when the abuse is public, there grow the social stigma and injustice to the child's life and its family. Intellectually disable children are the most vulnerable group than others group of disable children.

The children with disabilities do not have access to the shelter or safe home due to the logical justifications i.e. inability to manage others children or stakeholders, lack of capacity to deal and infrastructural inadequacy rather than imparting the rights based approaches of development. For the legal process and mechanism for the children with disabilities are inadequate and seek to the legal support by the family of sexually abused children means a further exploitation.

Again the NGOs and other local level organizations are working with the people against violence regarding some particular issues and regions based. Study conducted by Ranjani.K.Murthy, Masum Ul Alam, Khaleda Akhter Shanta (Counteract gender based violence against children, woman and men: An exploratory mapping of organizations



working with men and boys in Bangladesh, 2007) shows that 83% of the organizations working on violence against girls, 76% reported working on gender based violence against boys, 74% reported working on gender based violence against women, and 52% reported on working on violence against men. And only 24% of the organizations concretely working on early marriage, 5% on sexual abuse of girls, and 3% on discrimination against girls in access to basic needs. With regard to gender based violence against women, only 27% reported working concretely on dowry, and only 9% on issues of wife beating and rape of women. With regard to gender based violence against boys, 22% reported working on issues of trafficking of boys for sexual exploitation or for work, 3% reported working directly on issues of violence at work place, and none reported working concretely on the issue of physical punishment at schools. None of the organizations reported specifically working on substance use, hooliganism and violence linked to land disputes- the three key forms of violence against men. The study found that more organizations work in Dhaka division on gender based violence, followed by Khulna division. Few organizations reported working on gender based violence in Barisal division, followed by Sylhet division. The proportion working on gender based violence in Rajshahi region and Chittagong fall in between these two levels.

Community Based Child Protection: Experiences of UDDIPAN and SCI, Conceptual Understanding on Community Based Child Protection System by Uddipan showed that community groups are a way of changing social norms and values, these changes can be both positives and negatives; although criticism exists, some elements of ShaPak formation are noticeable and praiseworthy. Inclusion of locally elected female members and chairmen of UP and Upazila, teachers, Imam (religious leaders), Kazi (marriage registrars), businessmen, representatives of market committees, youth & student representatives, mothers and journalists is an instance to be followed by community networks.

Children's Perspectives on Abuse: A study in three rural/ urban communities in Bangladesh by Rachel Kabir and others children like the positive behaviors experienced by them from key people in the immediate family, educational settings and the workplace. Also they dislike the negative behaviors they faced from key people in the immediate family, educational settings and the workplace. Overall, girls described a significantly higher number of negative behaviors than boys, with higher figures also being seen for older, urban and non-poor children.

Most cases children do not express the event of abuse by others. But not all the children accept negative behaviors. Very often they cannot differentiate the abuse as whether justified or unjustified. Urban girls judged the highest proportion of behaviors to be unjustified, then urban boys, rural boys and rural girls, five out of eight

rural groups considering a higher proportion of the disliked behaviors they identified to be justified than unjustified.

While positive behaviors made a child want to go to school or be obedient to the person responsible for the behavior, negative behaviors put a child discouraged, a child from going to school or made him/her feel like behaving badly with the other person. The most important kinds of impact of disliked behaviors were the emotional and physical effects. Feelings induced by negative behaviors included sadness, anger, fear and shame, while negative thoughts included a desire to retaliate against the other person, to leave the place where the behavior occurred and, in the case of certain kinds of discipline and extreme forms of sexual abuse, to die.

Sexual abuse, exploitation and trafficked children do not have appropriate relationships (what society considers) with major institutions of childhood such as family, educational institutions etc. Study on Non-Formal Basic Education for Children in Shelters and other Alternative Care: Based on so far accumulated experiences of SCI -Bangladesh Programme and its Partners by Maliha Shahjahan, Shuchita Sharmin and Mohammad Mojibur Rahman. And the continual exposure to traumatizing environments and the nature of their lifestyles trigger habits such as substance use, which threatens their mental, physical, social and spiritual well-being.

For educating the children at the shelter centre Non- Formal Education program is operated by BNWLA, INCIDIN Bangladesh, ACD and Nari Maitree in their Shelter, Drop-in centers and Socialization Centers, primarily to convey the ability to identify, understand, interpret, create, communicate and compute using printed and written materials associated with varying contexts. Equivalency schooling education program is organized for children and youth who remain in constant legal custody in the Shelter Homes of BNWLA and ACD; who cannot access formal primary/ basic education because of security issues and traumatized state as well.

The present social, economic, moral and institutional setup fails to protect boys engaged in street-based activities from the vulnerability of sexual exploitation. Moreover, this vulnerability is ever increasing with an expansion of demand for commercial sex by MSMs. The most influencing factors are the age, migration status, experience of sexual abuse and family crisis which in conjunction with poverty constitute greater vulnerability of a boy to sexual exploitation. The boys and the bullies a situational analysis Report on prostitution of boys in Bangladesh by A.K.M. Masud Ali and Ratan Sarkar (2006) *showed that* the distinction between sexual abuse and sexual exploitation of boys is most prominent only when the sexually exploited boys are viewed in relation to the network of male prostitution and the sexual exploitation of the boys is not merely a moral or legal issue; it is inherently a multi-variant phenomenon, which

among other factors includes sexuality, power relations among sexes and community concept regarding masculinity and sexual development of boys. The migration-based urbanization process works to expand both supply and demand of sexually exploited boys in urban centres. And these boys who are sexually exploited within the network of male prostitution are primarily subjected to trafficking. The sexually exploited boys are generally left out of the protection offered by the law enforcers and legal safety net. The legal framework at present does little to provide any protection to the sexually exploited boys based on the provisions of CRC (Article: 1, 4, 12, 13, 17, 19, 34 and 39), rather it puts them at risk of being prosecuted under the sodomy act, if they seek justice regarding sexual exploitation, at the court of law. Again the sexually exploited boys do not have effective and humane access to both government and NGO health facilities, either as a result of stigma and hostile attitudes of health practitioners towards homosexuality or due to steep financial constraints. The MSM focused NGOs choose to ignore the violation of the rights of the boys within the male sex market.

For the sexually abused, trafficked child, social stigma has been found to work first of all by pushing the sexually abused women and children into the network of "commercial sex work" by reducing their social space. Secondly, the stigma pushes the women and children out of the social and informal human-network which could have worked to rescue and integrate them beyond the trafficking harm. It makes the sexually abuse girls and women after trafficked as prostitutes.

Another study "The Dreaded Demand: Study on the Demand-Side of Trafficking of Women and Children in Bangladesh", INCIDIN Bangladesh (2005) showed that the conflict with legal system further marginalizes this section of women and children. Thus the disempowered status of the "sex workers" motivates the clients with real authority to transform many of their dormant sexual fantasies into realities. Again the recruitment process of child domestic workers can be very deceitful or coercive or both. However, these aspects alone do not qualify the involvement of a child in domestic work as a case of trafficking. There have been cases that suggested that the child has gained little or none through some of the recruitments. These consequences of deceived recruitment into domestic work remain to be cases of trafficking throughout the duration in which the children are unable to move out of the "exploitative and abusive" space. The study however, finds that the cases of trafficking for domestic work are not commonplace in Bangladesh.

On the other hand, a certain proportion (could not be estimated) of these children are not "used" by their family members; rather these children are "rented out" to the beggars by their family members or custodians. Often these children may reach the beggars through a third party (i.e. the suppliers). The children who are used as means

of begging in most cases have displayed that they had no option left regarding their involvement in begging and may be recruited via trafficking.

With the expansion of the globalization and tourism, linkage of sex tourism with child pornography has a clear linkage between trafficking and pornography. There is demand of teen age girls among the foreigners, so a section of people make visual clippings of sexually explicit images of the children and supply them to the foreigners.

Situation of Children of Homeless Sex Workers in Dhaka City by H.K.S Arefeen and Sadeka Halim found that sex workers and their children are likely to be considered as polluted. This is again reinforced by extreme economic vulnerable situation of sex workers. As a result the children of homeless sex workers grew up in uncared and unattended ways. Adult and elderly men abuse under aged girl sexually, exposure to sex work at an early age prepare the children, for example to take up sex works as their occupation, and for male children force them to take up drug dealing and other terrorist activities. Both sex workers and their children are subjected to discrimination by public in general, law enforcing agencies and the *mastaans*. In this way sex workers and their children become socially excluded.

Bangladesh still lacks a comprehensive legal framework for deterring crimes or managing investigations related to the commercial sexual exploitation of children. For instance, Bangladeshi laws designed to counter the commercial sexual exploitation of children contain varying and conflicting offences for similar legal wrongs and, more importantly, reference inconsistent age limits for the legal protection of children. Review of articles CRC on nondiscrimination aspect show that the rights of children have been grossly violated, although the government has ratified the CRC.

This is reflected in the provisions of the United Nations Convention on the Rights of the Child, which obliges ratifying States to protect children against:

- all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (article 19)
- torture or other cruel, inhuman or degrading treatment or punishment (article 37) and to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention (article 28(2)).

Moreover, ratifying States are bound to give children the opportunity to express their views freely on these matters (as on all others affecting them), and to take their views into account (article 12). As a long-time ratifying state, Bangladesh is committed to

realizing these and all other rights of its children. Study on Child Pornography in Bangladesh conducted by A. S. M. Enamul Hoque and Mr. Nesaruddin Aslam, Mr. Kamal Ibne Amin Chowdhury, Ms. Dipra Monisha, Ms. Khaleda Begum analyzed that Bangladesh has several laws protecting children's and women's rights but they are not consolidated in one statute. Instead, they are scattered in various laws and statutes, such as Constitutional provisions, the Penal Code, 1860 (with Section 366A and 366B amended in 2001), the Children's Act, 1974 and the Women and Children Repression Prevention Act, 2000 as amended up to 2003, Cruelty to Women (Deterrent Punishment) Ordinance, 1983, Suppression of Immoral Traffic Act, 1933 etc. There are no laws in Bangladesh specifically prohibiting the creation, possession, or distribution of child pornography and it is unclear whether Bangladesh's *Penal Code* provision on obscene matter includes child pornography as outlined in the *Optional Protocol*. Furthermore, the case interpreting this provision focuses on protecting public morality, rather than a child's right to be free from being involved in creating pornography.

Moreover, Bangladesh does not have legal procedures to facilitate the reporting, investigating, or prosecuting of crimes related to the commercial sexual exploitation of children in appropriate manners.

The interest in early marriage reflects the concern of human rights and reproductive health advocates who, in putting "child marriage" on the international agenda, have emphasized the potentially harmful consequences for young women of marrying too early [8]. In Bangladesh, the rate of child marriage stands at 64% [1]. And 66% of girls are married before they reach the age of 18 and 32% of them are married before they reach the age of 15 keeping Bangladesh in International Ranking-4 of Child Marriage [2], often depriving them of a chance for an education and condemning them to ill health and economic hardship [3]. By the early marriage, all too often are pulled out of school and lose out on their dreams while an extra year of secondary school increases a girl's potential income by 15 to 25% [4]. An increase of only 1% in girls secondary education attendance, adds 0.3% to a country's GDP [5].

Early marriage has profound physical, intellectual, psychological and emotional consequences, cutting off educational opportunities and chances for personal growth. For girls, it will certainly cause the premature pregnancy - which renders higher rates of maternal mortality - and is likely to lead to a lifetime of domestic and sexual subservience. According to the Bangladesh Demographic and Health Survey (BDHS) 2007, the median age at marriage for women is 16.4 years, against 16.0 in the previous DHS (2004), but still 18 months below the legal minimum age-18[6].

In Bangladesh, poverty-stricken parents are persuaded to part with daughters through promises of marriage, or by false marriages, which are used to lure girls into prostitution

abroad. Domestic violence causes some girls to run away in desperation. "Those who do so, and those who choose a marriage partner against the wishes of their parents, may be punished, or even killed by their families. These girls run the risk of 'honour killings' that occur in Bangladesh, Egypt, Jordan, Lebanon, Pakistan, Turkey and elsewhere," the report states [7].

The leading cause of death for young women aged 15-19 in developing countries is pregnancy [8]. Research shows that each extra year of a mother's schooling cuts infant mortality by between 5% and 10% [9].

Globally, every year, 10 million girls are forced or coerced into marriage [10]. Every 3 seconds, another girl is forced or coerced to marry [11]. 1 in 7 marries before they reach the age of 15 [12] and 1 in every 3 girls in the developing world is married by the age of 18 [13].

Today, Bangladesh has one of the world's highest rates of child marriage by the age of 18. Child, early, and forced marriage violates millions of children's rights, disrupts their education, blocks their opportunity to gain vocational and life skills and increases their risk of sexual violence, as well as their chances of contracting HIV [14]. The young girls are powerless to refuse sex and lack the resources or legal and social support to leave an abusive marriage," states Claudia Garcia Moreno, M.D., of World Health Organization, a leading expert in violence against women [15].

Early marriage exposes girls to the risks of child-bearing at an early age, which can limit their ability to participate in economic and social spheres as well as increasing maternal death and disability, and increasing the risks of child and maternal under nutrition [14].

The Government of Bangladesh, along with some local and international NGOs have made major efforts to decrease child marriage at the fastest rate possible with different initiatives including awareness programs, proactive legislative enforcement, social support, encouraging girls' education, bettering life-skills and community-wide mobilization. In a report published by Plan International it says important roles can be played by more participation by the community and leaders in child marriage prevention, the state itself and by whatever means the children themselves [16].

Still the situation of tea garden is relatively worse than other part of Bangladesh, though very few studies focusing the situation of children issues have been done in tea gardens. According to Abul Barkat et al. in 2010, around two thirds of the child laborers in the tea gardens (65.5 per cent) work for some type of compensation. More than four-fifths (83.9 per cent) of the mothers of child laborers have no education. A minor proportion of working children (20.7 per cent) had been attending school since January 2009 until

September 2010. They have also found out that an estimated 59.8 per cent of the women in the tea gardens of Bangladesh aged 15-49 are victims of child marriage [9].

From the study on nutritional status of children of the tea workers by Muaz and others it can be mentioned that the tea workers of Bangladesh are an enclosed, subaltern group of people with a multi tribal racial origin. By 2000, the number of tea garden is 158, covering an area of 48,300 hectares. Of these gardens, 135 are in Sylhet division and 23 are Chittagong division. Analysis of data suggests that early marriage was common in the tea workers as because 64.76% of attending mothers were less than 18 years of age. This finding is consistent with national data. In Bangladesh, about 74% girls aged below 18 years are married [10]. Child marriage which means marriage at <18 years in South Asia is also high which increased from 45% to 53% in between 1987-2006 [11]

In the case study by Tusi Kumar Das in 2006, it can be seen that the monogamous marriage is the common feature among the tea gardeners in Sylhet. Still around 8.5% respondents were found who had polygamous marriage. Early marriage also takes place in the garden, but on a small scale. Early marriage is mostly found among the adolescent girls. Around 65% respondents admitted that they had the experience of receiving and giving dowry during the marriage of their son and daughter. Only 32% respondents said that they could not afford to give dowry and also did not receive any dowry during the marriage of their daughter and son, and rest of the respondents did not answer any dowry-related questions [12]

Mondal (2006) showed that the key factors endangering children's development in Bangladesh is the high rate of drop-out from school, predominantly for marginalized and poverty galloped cluster in urban slums and rural areas. Multidimensional causes of child labor derive from access to various rights and also good quality productive employment. This is particularly true for settings like Bangladesh, where moderately high GDP growth rates are gained by low rates of employment growth, relation to the growth of child labor force. The role of education is an operative tool in the drop of poverty & the prevention of child labor [13].

In a cross sectional study conducted by Anita and others in 2010, the effect of maternal child marriage on morbidity and mortality of children under 5 in India was analyzed. It was clear from the study that the risk of malnutrition is higher in young children born to mothers married as minors than in those born to women married at a senior age [14].

In 2004, International Center for Research on Women (ICRW) and its partners conducted a survey on the well-being of adolescents in India (Bihar and Jharkhand). It was found that girls who have gone through early marriage are less likely to make decision in various areas like decision about own lives, contraception method, when to have children or how

many children, schooling or other educational opportunities, socializing etc. Other studies have also documented the link between child marriage and domestic violence [15].

According to a systematic review done by Lalore and McElvaney in 2010, childhood sexual abuse can comprise of psychological outcomes, including low self-esteem, anxiety, and depression. Studies from around the world was reviewed in this study and it was visible that child sexual abuse victims are exposed to later sexual re victimization, high-risk sexual behavior, teenage pregnancy, multiple sexual partners, drug/alcohol use, Posttraumatic stress disorder (PTSD) and distorted sexual development etc [16].

In a report by UNICEF in 2005, children unaware about their rights were found as a major cause behind child abuse. Bangladeshi culture does not allow a child to raise voice against the abuse, torture or injustice on them. As a form of escape, many children who have experienced, or are experiencing, sexual abuse, exploitation or trafficking is prone to drug or substance abuse. As these children do not know about the consequences, they are highly susceptible to HIV/AIDS and other sexually transmitted infections. Due to commercial sexual exploitation, children may also end up as sex workers in brothels [17].

In our country, whenever the term "sexual abuse" rises, women and girls are considered as most vulnerable. According to Frederick (2010), evidence-based information is lacking on the sexual abuse and exploitation of boys. He came up with a report presenting recommendations for strengthening legislation, policy and programs to address this issue from a child rights based approach. The tendency of accusing the victim rather than the culprit stops a child to raise his voice. She/he is afraid to report abuse, not only because they consider the fact that they would not be believed or they feel ashamed, but also because they would be physically punished may be by their family member or the culprit himself. For the last few years, different NGOs are working on children's reporting of abuse, safe shelter and crisis response, psychosocial care of both the male and female child [18].



## Chapter 4

### Situation of child sexual abuse and violence in Tea Garden

#### Introduction

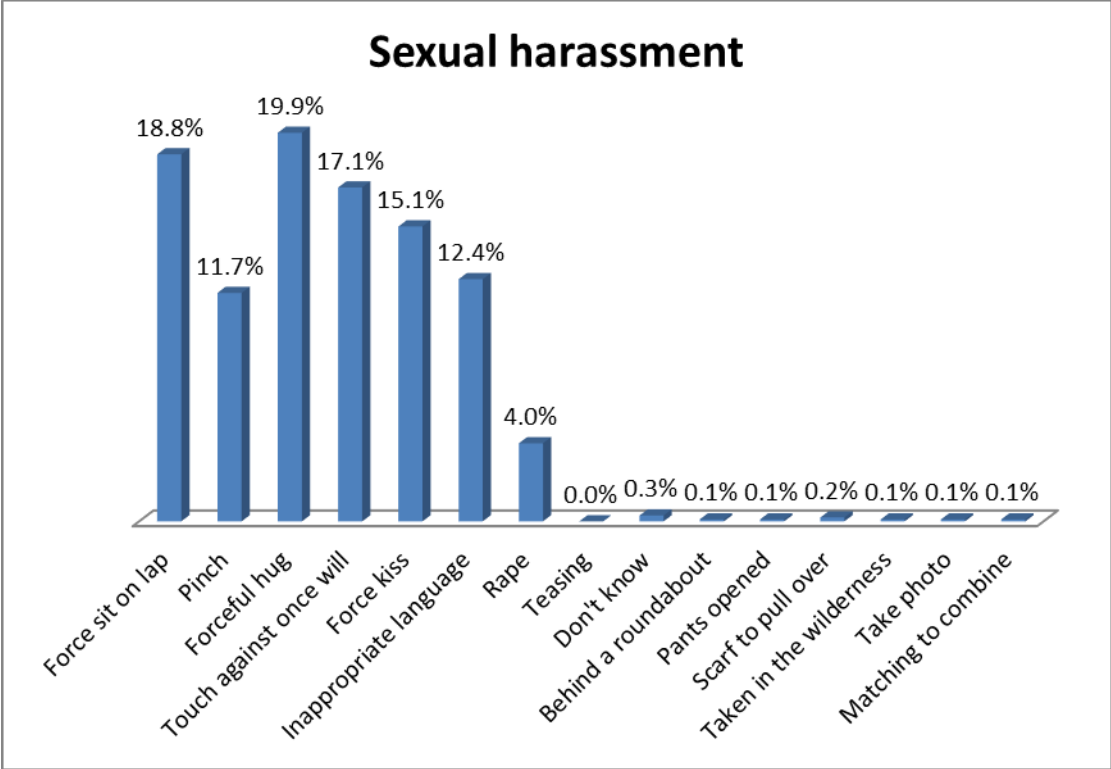
This study is not a prevalence study as in given cultural and social context of Tea Garden in Bangladesh, it is hard to ask children if they are abused in any form. Therefore it is difficult to conduct any prevalence study on the issues such as child sexual abuse, early marriage and gender based violence in the given study area. On the other hand this is not a perception study either, as we tried to explore the existing situation of CSA, early marriage and gender based violence in the life of children living in tea gardens. Instead of discussing about ideas and opinions, respondents were requested to tell us about the life style and experiences of children living in tea garden, Through questioner survey we tried to collect data on types of CSA and torture as well as the types of perpetrators, places where children are mostly abused etc. In this chapter we will mainly illustrate these issues as mentioned above.

#### 4.1 Types of sexual abuse

We administered questioner survey among two different groups of people i.e children who are in school, and parents/community people<sup>1</sup>. All of them defined different form of acts as sexual abuse. Depending on types of sexual abuse the severity and importance of the issue varies to different groups of people. Following bar chart is describing what children mean by sexual abuse;

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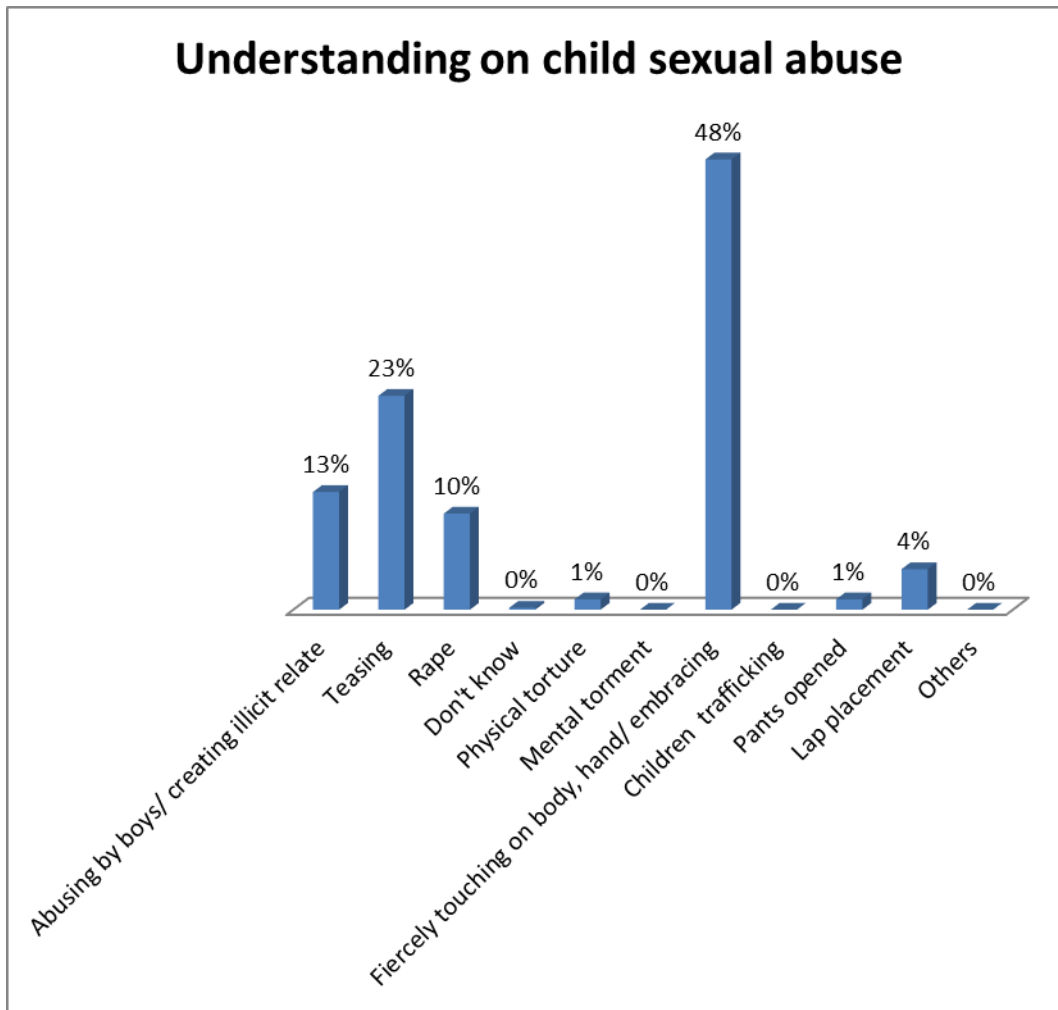
<sup>1</sup> Responds of the survey were randomly selected. Apart from some children from intervention areas rest of the respondent of the survey had received no training from PNGO or directly from BTS and they are not part of the program. This is the scenario of FGDs participants also. In case of adults apart from intervention areas none of the adult participants of survey and FGDs received any training from PNGO or from BTS.



As this is not a perception study but the culture of the tea garden is different from main land culture of Bangladesh and in garden neither children nor adult are familiar with the issue of sexual abuse, so what they said are mostly based on their knowledge and perception about child rights, abuse and sexual abuse of child. They also talk about their own experiences or they had learned other peers experiences<sup>2</sup>. According to them in the tea garden people hardly sexually abuse children or even adults. These kind of devil act mainly done by outsider<sup>3</sup>. Perhaps due to the culture they hardly understands what sexual abuse is first and have almost zero idea about rape in real life. These are what they have learned from TV and especially from school where they get the chance to mix with plain land Bangladeshi's. According to parents also children in tea garden are hardly abused. Still they said there are incidents of sexual abuse been happening in the garden. The table below shows the opinion of parents;

<sup>2</sup> When we asked them in during the interview a few children actually said that they hard other peers experiences sexual abuse or cases came up to panchayet. So the number of actual cases is not measurable but children are experiencing sexual abuse in tea garden.

<sup>3</sup> Meaning of 'outsider' varies to Garden people. People from one ethic in some cases outsiders to other ethnic group, though they are living in the same garden. Hierarchy between ethnic groups been highly maintained by groups. Out of the garden people are also outsiders to them. In case of talking about outsiders they mean both categories of population.

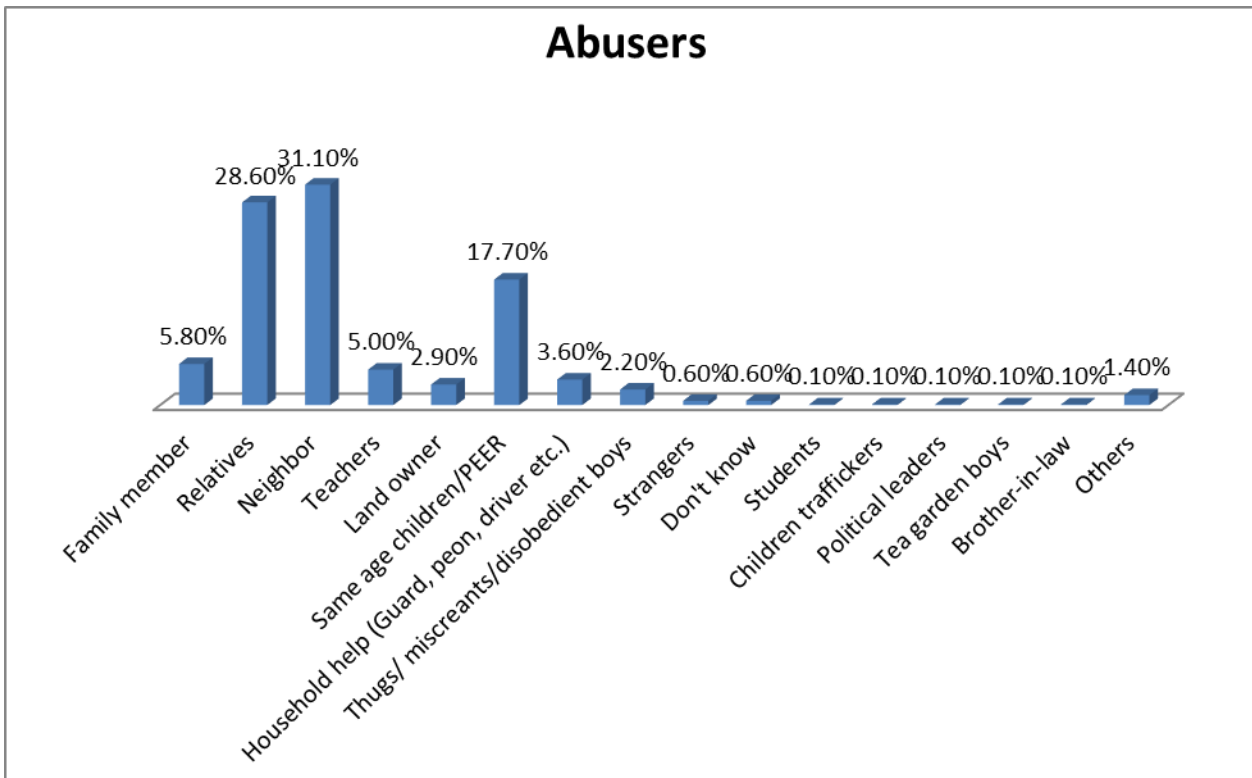


48% parents said that when anyone does anything against the consent of the child that is sexual abuse. To them having physical relation with boys, teasing and rape also considered as sexual abuse. According to FGD groups and panchayet child sexual abuse hardly takes place in the garden, but children are having sexual relation right after puberty and they think it is natural and also adolescent has right to enjoy sex. Opinion of panchayet and parents are different in two intervention tea gardens. According to them having sexual relation after puberty is natural but it has negative impact on health and basically it encourages and accelerates early marriage. Comparing the knowledge of children about sexual abuse and its types is much higher than the adults living in the tea garden. According to the media people, UP's and representatives of level trade union children are more exposed to the outer world and mostly studying in outside schools which have an influence on them to enrich their knowledge and adults are excluded from getting access to these sources of knowledge. But in this study a number of children were participated from BRAC school, which are within the garden and these children do not go out of the garden but have knowledge about child rights and child abuse and to

some extent they have knowledge about child sexual abuse, which clearly shows the impact of text book materials on child issues in children life<sup>4</sup>.

#### 4.2 Types of perpetrators

Both adults and children group defined neighbor and relatives as hi-risk category for children. In the FGD children said that mostly small kids without hesitation go to known person and as they are not able to tell anything so they are most vulnerable<sup>5</sup>. The chart below explains who the perpetrators are according to the perception and experiences of children;

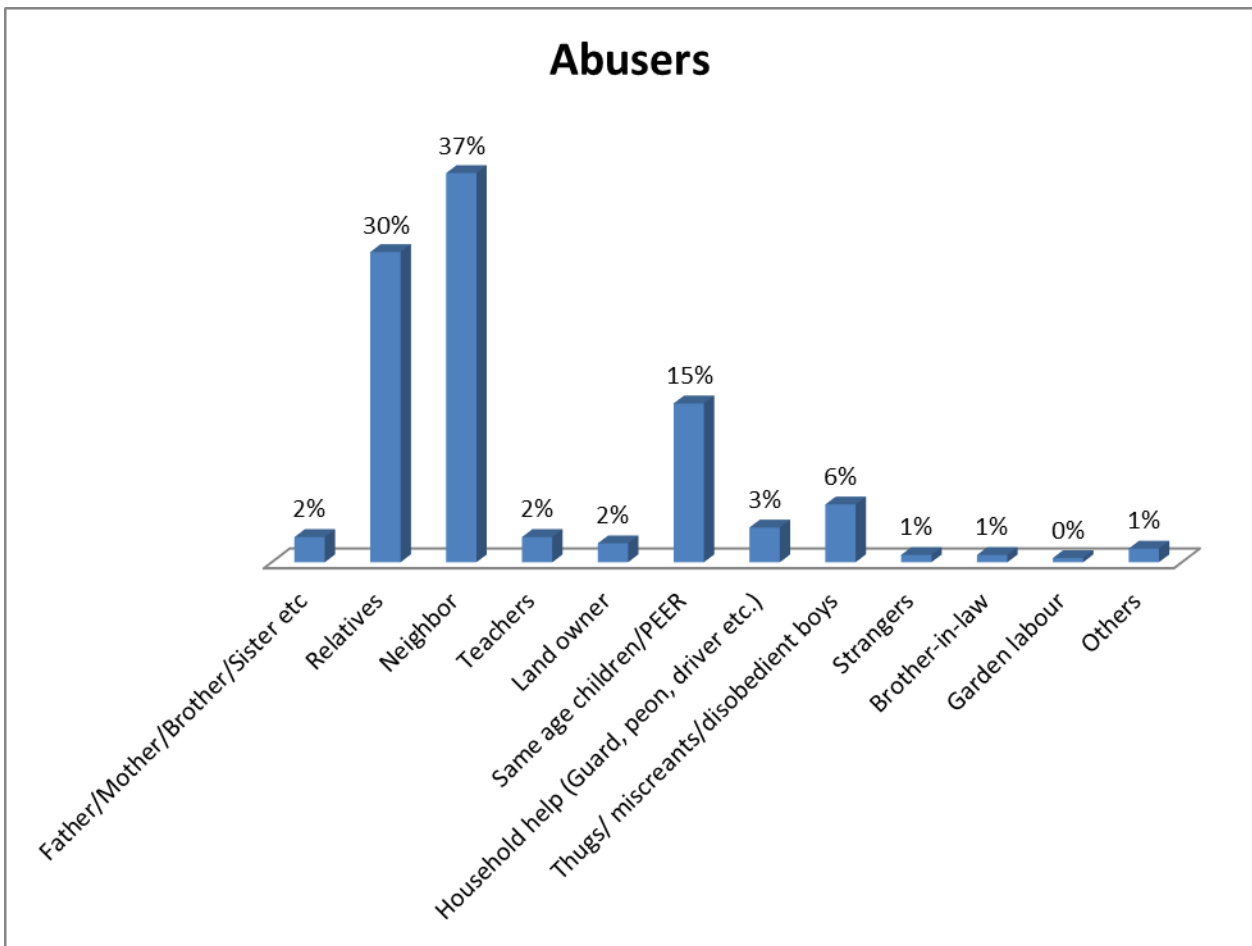


29% said relatives are sexually abusing children and 32% said it's neighbor who are abusing children. This indicates that children are insecure at home and in the neighborhood. In tea garden mostly both parents are working in the garden and during day time children mostly stay at home without any adult, as a result it is easy for perpetrator to do their work and on the other hand older children are also enjoying

<sup>4</sup>Although in primary school teachers said they have no idea about child rights and child abuse. They even said they have no idea that in Bangladesh legally school are not allowed to give corporal punishment to children.

<sup>5</sup> This was the findings of many studies, even the case studies of BTS also says the same thing. In a study of Commonwealth education fund, UK also find the same thing that primary school children are more abused by teachers and support staffs, but high school students are also victim of peers attack.

their sex life at empty home, which has negative influence on the juniors. The chart below shows according to parents/community peoples who are the perpetrators;



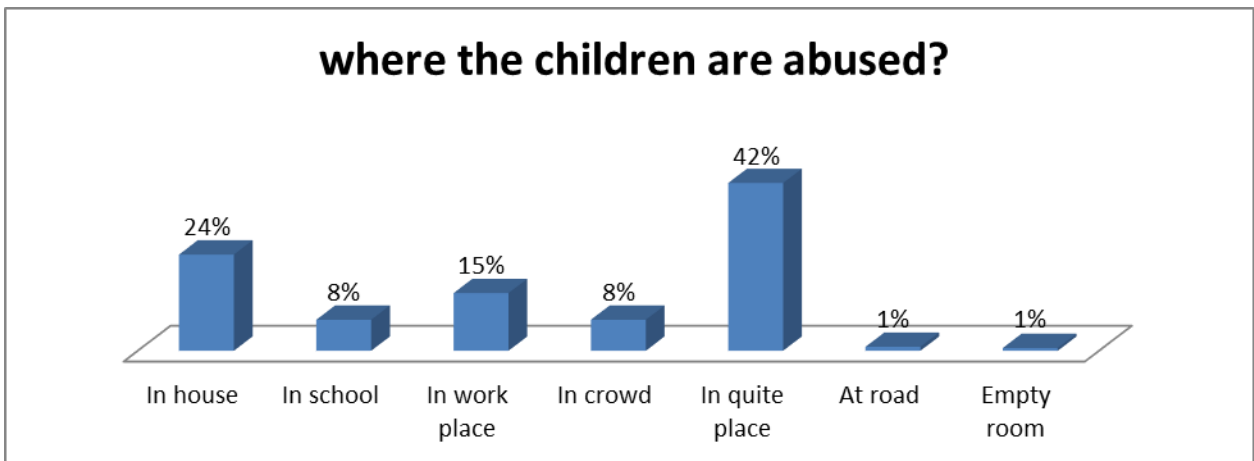
From survey and qualitative findings this is very clear that neigboubor's, relatives and peer groups<sup>6</sup> are playing a vital role in childrens life as abuser. In case of their bad experiencs with peers from the same ethnic group children hardly disclose that to parents even. On the other hand due to the socialization from the very early age boys starts internalizing the whole notion of musculinity and inherent power as a man and their most powerful way to show their power as boy is to have relationship with girls. In tea garden according to panchayet, media people, UP members and represenattives of level trade union, majority of children below the age of 18 and avobe 10 are having sexual relation as part of life and the magnitude of these relation is to have sexual intercourse in a ragular basis, parents become worried when children have realtion with

<sup>6</sup> Not only school teachers it includes private tutors, coaching centers and special coaching. Prevalence rate of child sexual abuse by teachers is quite high, but as parents/community people do not have direct relation with teachers and children hardly share this issue with parents at home so here it has been under reported.

boys/girls from different religion and also from different ethnic groups. Also if parents feels that there is a chance for the girl to become pregnant or if the girl become pregnant then they arrange marriage between the boy and the girl as soon as possible<sup>7</sup>.

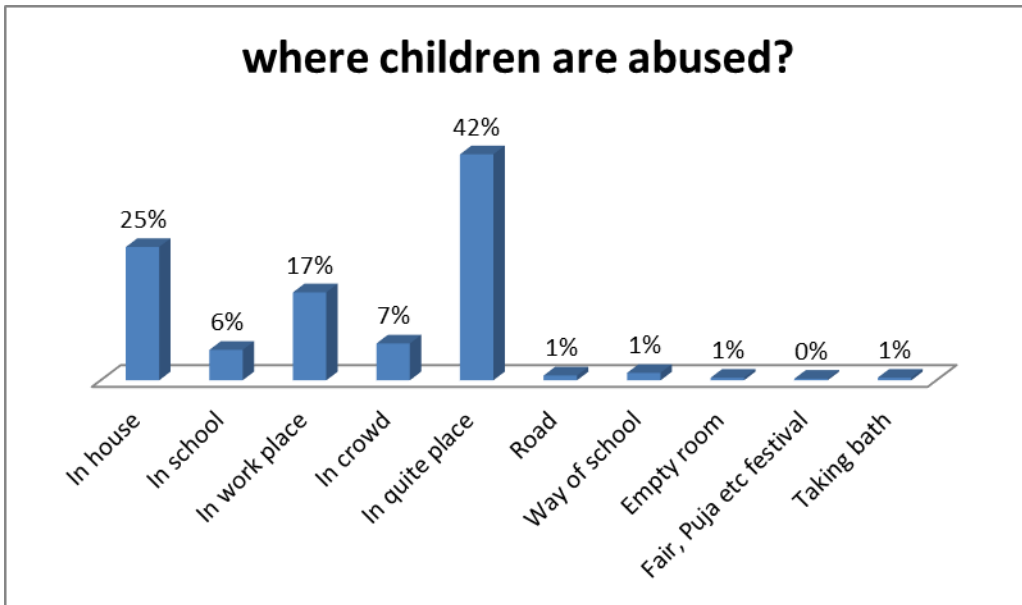
#### 4.3 Where and how children are mostly abused?

Findings show that children are mostly abused in their neighboring areas or at quite places in the garden. Children are mostly abused in the quite places in the garden and ironically apart from living spaces and offices entire tea garden is quite. Children in the FGD group particularly girl children said that they feel uncomfortable to go to any public places like puja and community organized cultural programs, rush utshab etc. because in these festivals even 15 years old boys drink a lot and when men and boys are drunk that causes problem in their life. Sometime drunk men and boys do not do anything to them but girls and specifically teen agers feel scared to be there on their own. According to children following are the areas where they are mostly sexually abused;

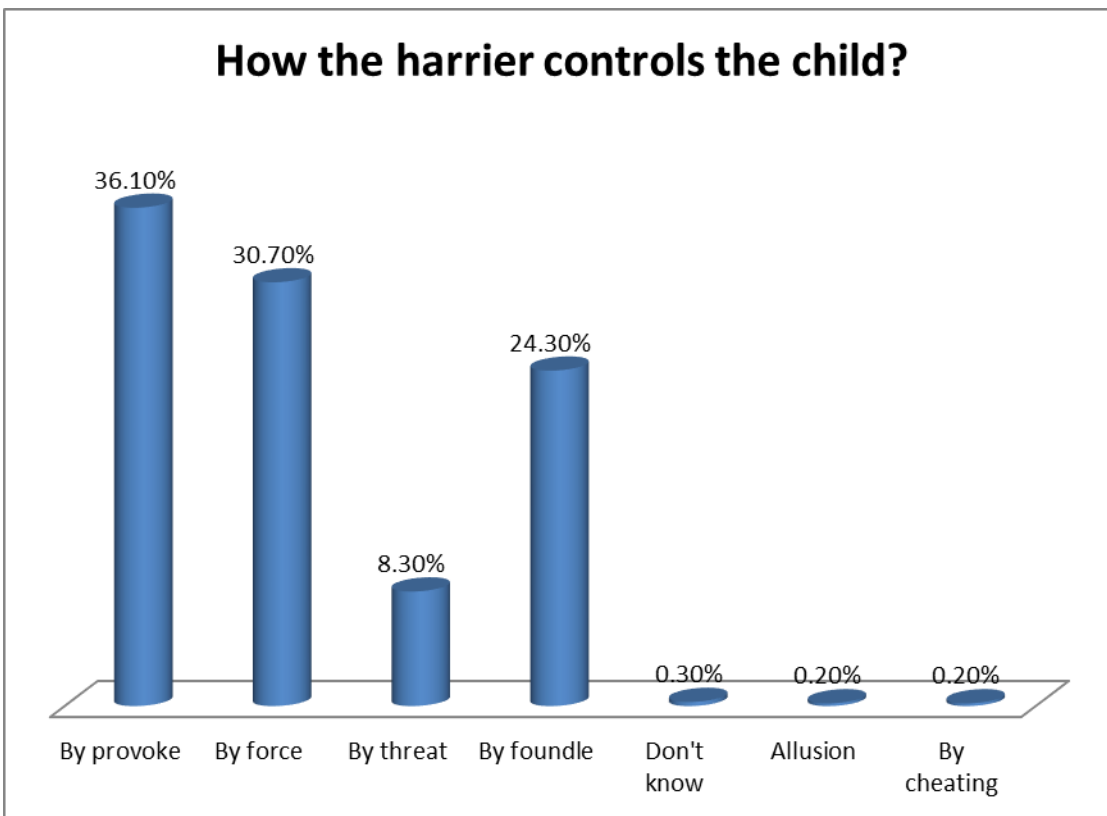


Adults reconfirm the statements of children in their survey. According to parents/ community members following are the areas where children are mostly sexually abused;

<sup>7</sup> In case of pre marriage pregnancy they have ritual of sending the girl to the boy's home first to stay and later they marry tem off.

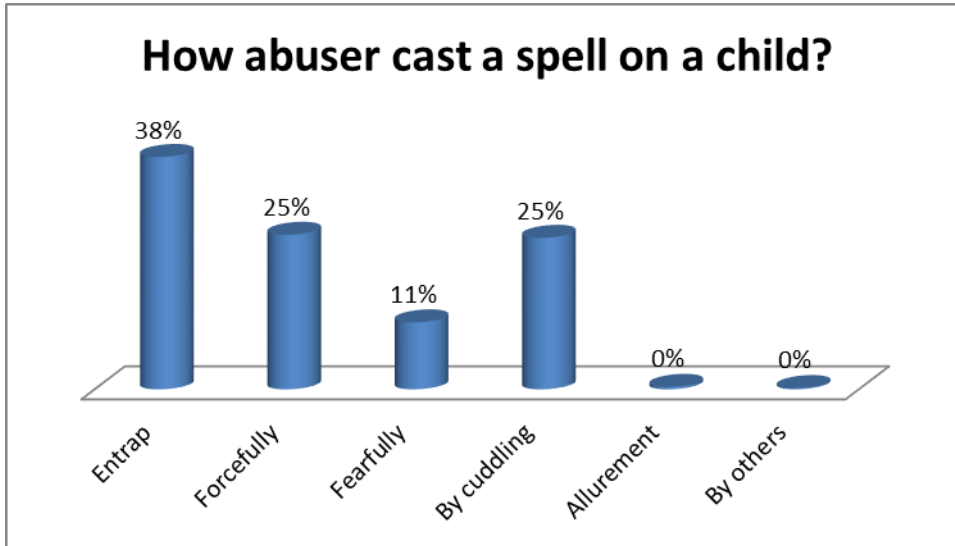


According to the understanding and to some extent what respondent children heard about their peers experiences following are the ways perpetrators take to sexually abuse a child in the tea garden;



According to children some adults irritate children specially the toddlers who cannot say much. Adults said that they enjoy the way children react but to teen agers who

participated in the interview said this is one of the ways of abusing the toddlers. Sometime toddlers and teen's both categories are been sexually abused by adults even openly in front of people by the name of showing affection to children. But in case of teen ager's perpetrators mostly force them to have sex<sup>8</sup> with them. The table below showing what adults think how the perpetrator's sexually abuses children;



In the earlier chart 48% adult said that sexual abuse means when someone forcefully does anything to a child related to sex or sexually stimulated are considered as sexual abuse. Which basically happens for teen agers and rarely in case of toddlers. In FGDs different groups like media, UP, representatives of trade unions and panchayet said that children are hardly forced to have sex with anyone and child sexual abuse is not a big issue in the garden. Both teen agers children and adults said that the perpetrators mainly abuses children by irritating them or by showing affection to them. It has been told by various groups of respondents that after puberty enjoying sex is natural for teen age children, therefore adults also think that minor child who are up to the age of 10<sup>9</sup> are mainly abused.

#### 4.4 Types violence and ill treatment

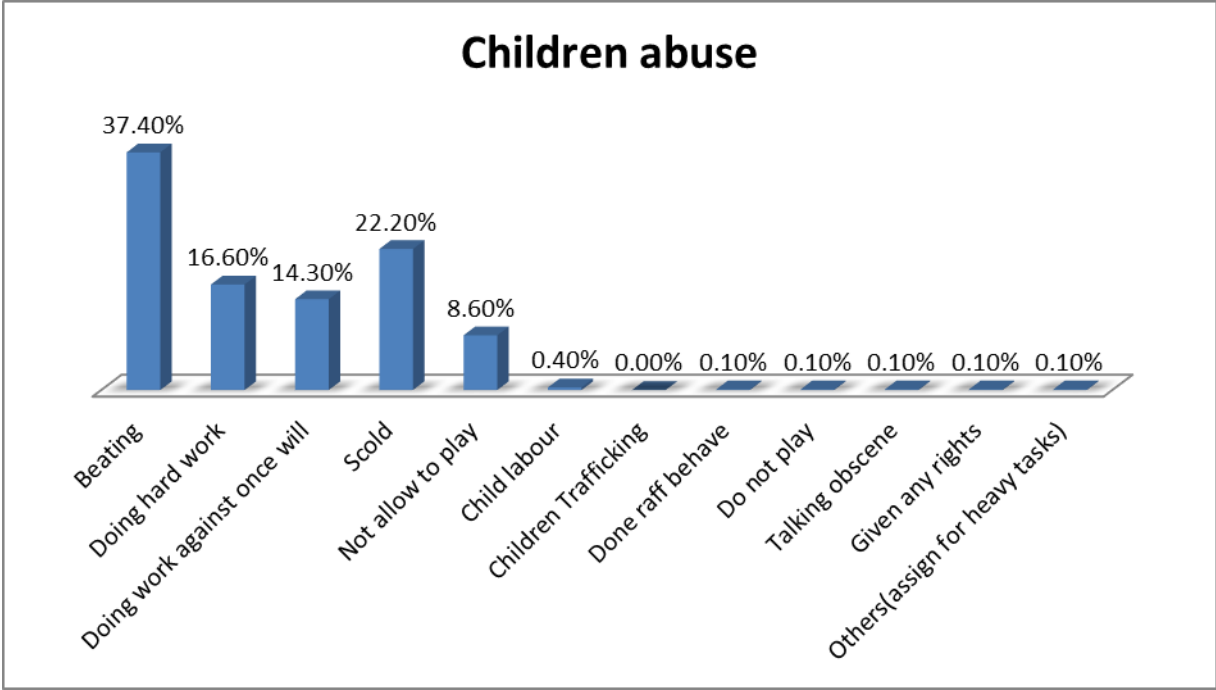
At home and in school children are victim of ill treatment and violence by the elderly people and by teachers. Practice of corporal punishment is quite high in primary schools. But in NGO operated schools which are in the same community, teachers are not giving corporal punishment to children. Quantitative and qualitative both findings shows that

<sup>8</sup>Meaning of sex varies from kiss to having intercourse.

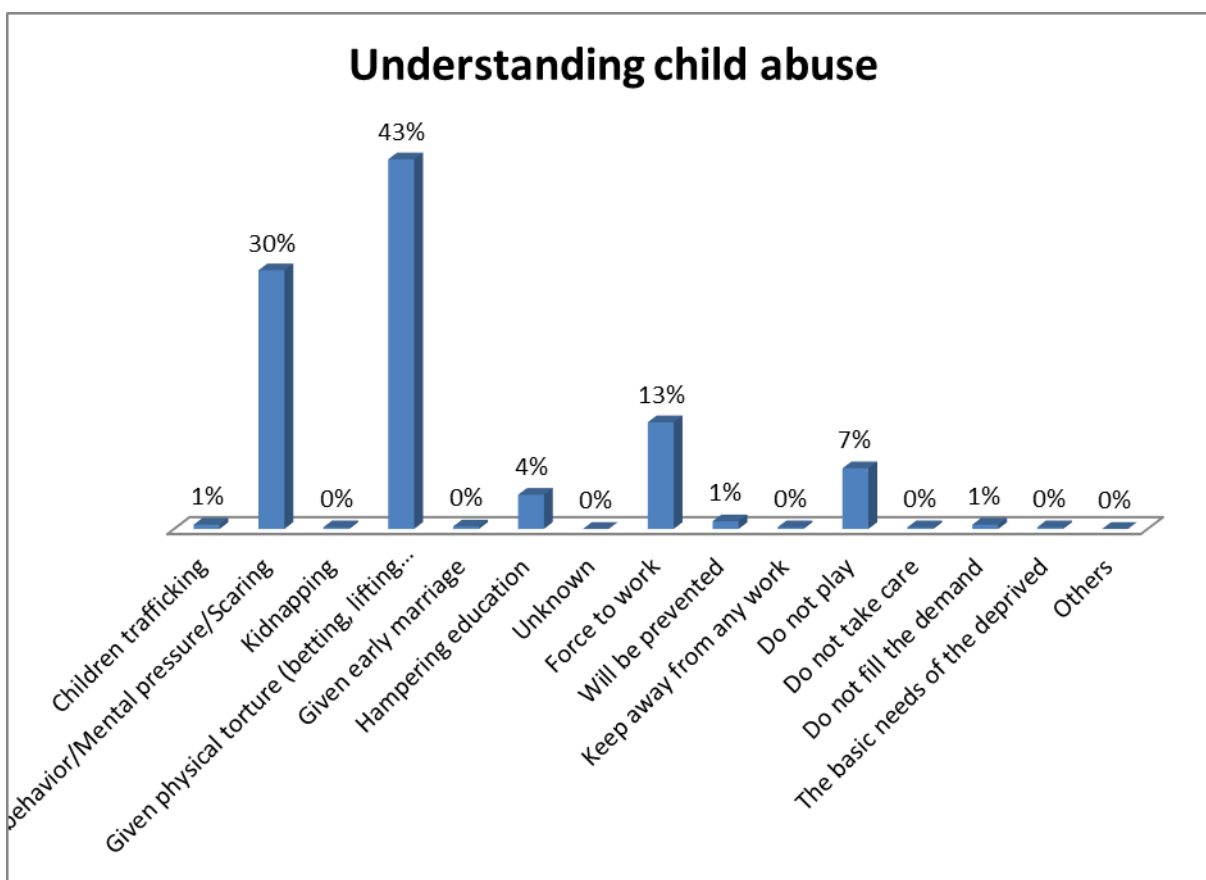
<sup>9</sup> Mean age of children having the right to enjoy their sex life is 12 and to adult up to 10 is the age when if anything happens to children can be considered as abuse.



adults believe punishing children is an absolute necessity in life, because if they do not show juniors the right path by punishing them while children are doing mistakes then in future, these generation will not grow as proper human being. The chart below shows what adults mean by other form of ill treatment/violence;



On the other hand, children accept without questioning why adults are beating them and also giving them other form of physical punishment. Because they strongly believe if parents and elderlies do not discipline them by punishing then they may not grow up as a proper human being. The chart below shows what children mean as other forms of ill treatment and violence against them.



#### 4.5 Situation of early marriage in gardens

The scenario of child marriage is different in tea garden than other areas of Bangladesh. Children fall in love and from very early age ranging from 10- 12 they get involved in physical relationship and it a common practice in the society of tea garden. Parents as well as the society never concern about child marriage as such. According to media people, representatives of level trade union, panchayet, and garden management and UP members in tea garden 70% people get married when they are child<sup>10</sup>. Overall in Bangladesh rate of child marriage is very high, but among the tea garden population it's higher than the national rate. In the tea garden, 90% children know about child marriage but to them it is not a problem to get married early. 14% children think become a young parent is problematic, 21% children think risk of maternal death increases if children marry early and 28% children think if they marry early then their physical development would stop earlier. Parents almost echo children's statement 17% parents said early marriage means

<sup>10</sup> Abul Barkat (2010) estimated 59.8 per cent of the women in the tea gardens of Bangladesh aged 15-49 are victims of child marriage (i.e., married before 18 years of age, the legal minimum age for girls). According to MICS 2006 for the country as a whole, 39 per cent of young women aged 15-19 years at the time of the survey were married, and 64 per cent of women aged 20-24 had been married before the legal age.

early pregnancy and in early pregnancy risk of infant death increases<sup>11</sup>, 47% parents said that early marriage have negative impact in both persons' (boy and girl) physical development and 23% parents said due to early pregnancy during delivery mothers have many physical complicacies<sup>12</sup>. Some of the reasons for child marriage are: Due to sexual relationship many girls get pregnant. From this fear of getting pregnant before marriage by the parent also accelerate the rate of early marriage among tea garden population.

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<sup>11</sup> Abul Barkat (2010) The infant mortality rate (IMR) among tea garden population is 83 per 1,000 live births, whereas the national average is 50 per 1,000 according to BDHS 2007, and 45 per 1,000 live births according to MICS 2009. The IMR is considerably higher among boys compared to girls (88/1,000 live births vs. 76/1,000 live births).

<sup>12</sup>Marriage is a social recognition of a relationship, this entire community is not worried about the reproductive health of children who get involve in sexual relation from the age of 10-12. Mean age of marriage for girls is 14 and parents are worried about that age, because after marriage they becomes pregnant and mother. Reproductive health need has link with only marriage though over majority of children are having unsafe sex from a very early age and monogamy is not the practice of any of the ethnic groups living in the tea garden.

## Chapter 5

### Situation of monitoring and reporting on various forms violence and form of exiting response mechanism

#### 5.1 Program's method of identification of abused child and the response of GO, NGO & Community

In general child sexual abuse is not an issue in tea garden culture to report or to worry about. Rate of child marriage is quite high in the garden. According to media people, garden owner, panchayet and UPs mean age of marriage is 14 for girls and 18 for boys. BTS has been working in two gardens of one Union Parishad, where they have adolescent clubs and awareness raising activities through which both children and parent group become aware about child rights as well as various forms of abuse and harassment. Children of these two gardens though in number not very significant but still share their stories with BTS officials and their peers. Within the garden community there is no system to protect children from any kind of abuse and child marriage. Garden owners or their representatives are not involved in day to day matter of children's life in tea gardens. On the other hand according to cultural practices of different ethnic minority groups, panchayet has no power officially to take over any case of child sexual abuse and child marriage unless it is officially decided by a particular ethnic minority group headman and his arbitration group to hand over the case to panchayet for taking action against the perpetrator or against the parents who are arranging child marriage. Ups are virtually inactive in tea garden, though 55% voters are from tea garden but still UP members have no access in the garden, not even other local authorities because of two reasons; first in the garden they have their own rules and rituals to maintain their social law and order and second they really do not need any basic services from local govt. as such because they are receiving subsidized food, free health care, primary education and other support during festival, marriage and death rituals from their garden owners (foot note; providing all these services to labours and their families living in tea garden are part of different formal and traditional laws of tea garden and it varies from garden to garden). Highest involvement of UP as part of the system is respective member of that area participate in the arbitration meeting when panchayet is sending a letter to the perpetrators family through chairman.

Apart from UP none of the organ of local govt. are formally officially involved in identifying, reporting and responding to any case of child sexual abuse or any other type of ill treatment/violence against children. Community based child protection committee (CBCPC) is not a formal official body of Govt. yet though it's headed by respective member of the area. In Sreemongal recently BTS formed one CBCPC and the age of this group is only two months. They are not yet considered to be functional. In other unions

there are no CBCPC and in Mouilovi Bazer district they do not have any district child welfare board. So, in upazila they do not have any committee to look after the well fare of children and protect them from violence.

## **5.2 Status of service delivery and various 'awareness raising' programs**

Government and NGOs have been working in different tea gardens to provide education and related WASH services to the TEA Garden population. BTS is the only NGO which has been providing training on Child protection issues within the umbrella of awareness raising activities. Following services are available in the garden provided by GOs and NGOs.

1. Govt. primary schools- formal education
2. NGO schools- both formal and non-formal education
3. NGOs preschool
4. Community school
5. Breaking the Silence (BTS) - awareness raising activities on child sexual abuse and harassment
6. Community clinic-basic health services and awareness raising on health issues
7. Union parishad in a small scale provides fund for disable children, old age pension scheme and VGD fund but these are not always know by the community at large.

Apart from BTS none of the NGOs are working on the issue of child rights and child protection. Basically BTS has been providing training to parents, children and to local government. But they have no working relation with garden owners and other working NGOs in the areas, not even with other SCI funded projects i.e SHIKHON preschool program.

Tea garden people who are basically labours and permanent voters of the area, only come to Ups for birth certificate as they need it during the admission of children in school. According to the study of Abul Barket (2010) highest rate of birth registration of under five children in Tea garden is 17%<sup>13</sup>, which was considered much lower than the national figure. According to UPs still birth registration rate of children under five living in tea garden is much low and that figure also varies from ethnic group to group.

## **5.3 Status of institutional care for children living in tea garden**

Breaking the Silence, under child protection section of Save the Children, has been working in tea garden since 2012 in two wards Bharaura and Khaichora under Kalighat

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<sup>13</sup> According to MICS 2006, the national figure for birth registration is 36 per cent which has been increased to 53.6 per cent according to MICS 2009.

Union. BTS is the main sector player in Shreemangal who provides institutional care for the children to protect them from harassment and sexual abuse through various activities such as adolescent group formation, awareness raising, capacity building, increasing availability of community based services for the survivors, formation and capacity building of Community Based Child Protection Committee (CBCPC), monitoring, reporting and advocacy to accelerate the activities of Village Court and Violence against Women (VAW) Committee. BTS has been providing the services within a limited area. They are not in a position to provide all required services to children<sup>14</sup>. Apart from BTS we could not find any other organizations that could provide required institutional care for the children who are sexually abused or traumatized.

At local government institution they do have a committee to look after all issues related to children but UP members are not aware about the role of this committee. At upazilla level in Sreemongal they have not yet formed the upazilla child welfare board<sup>15</sup>. Upazilla Social Welfare officer act as probation officer in Sreemongal and he has good working relation with local thana. On the other hand those cases where the children of tea garden are involved mostly are not reported to thana. So local thana and Upazilla Social Welfare officer/probation officer functionally not in a position to provide any services to children who are living in tea gardens. Institutions who are working for children living in the tea garden are not really having collaboration and coordination among them. They have no horizontal networking among them and also not have any vertical relation with existing govt. mechanism to protect children from any kind of violence.

## **5.4 An account of child participation at school, home and community in tea garden**

### **5.4.1 Child participation at school**

Findings of the study clearly show that in a culture of vertical power relation the notion of listening to children does not exist. Through text books children been informed about child rights and protection issues, but qualitative findings show that teachers hardly teach this chapter in class and also they are not aware about child rights issues. Teachers do not allow children to speak up as well as share their problems and quarries

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<sup>14</sup> Early marriage is an issue in tea garden to take care off as it has been mentioned by both group parents and children that marrying at an early age causes health problem, increase the risk of maternal and infant death during delivery. On the other hand according to people from all sections including media representatives, representatives of level trade unions and garden owner's lowest age for girls to have sexual contact with boys is 10. Which means to protect these large number of children from sexually transmitted diseases and from early and unwanted pregnancy in the tea gardens BTS or other NGOs also need to provide reproductive health services and education both to parents and children.

<sup>15</sup> Upazila Child Well fare Board is not yet officially formed as still Govt. did the give any office order to Ministry of Social Welfare to form this committee.

about life with them. Majority of primary school teachers are from outside and they are not really very knowledgeable about the cultural norms and rituals of ethnic minorities living in the garden, so they are not always in a position to understand children's feeling about their behavior. Children reported that teachers are not cooperative at all and do not allow children to talk about CSA, even when they are sexually abused within the school premises. It is clear in the study that in a culture of vertical power relation where the notion of listening to children do not exist even if children become aware about CSA, there school is not considered as a safe place for them.

#### **5.4.2 Child participation at home**

The exiting study findings show that adult are very reluctant about children's movement, relationships and their freedom to choose their partner. Due to the cultural practices of different groups they are very open with their parents and according to children they can share everything with their parents. It has been reported to the study team that if any kind of violence or sexual abuse ever happens in the garden in general, 65% children share their problems with both the parents, 12% children can share their problems with other siblings. During some discussions and FGDs we did find a few participants said that their families pay attention to children's opinion, understand their likings and disliking's, and listen to them. However family is not allowed to take any action against perpetrators or outside bad peoples. Usually family informs the headman about the incidence and then the individual ethnic group first decides what action they should take against the perpetrator. Only if they fail and if the head man agrees than the panchayet decides what to do.

#### **5.4.3 Child participation at the level of communities**

In two tea gardens children are participating in all the program activities organized by BTS such as meetings of adolescent club. Children participate in community based cultural and religious activities. Children who are attending schools in general, take part into verities of socio cultural activities organized by the formal and non-formal schools. BTS arranges a monthly meeting where parents, girls and boys are present. Children participate in game competition, natok (Theater for Development), music and drawing etc. as organized by BTS or others at the community level. Children do not have any right to participate in any arbitration activities within their own ethnic group or even in panchayet. They also do not participate in decision making process at community level regarding any child abuse issues too. According to their culture children in these communities choose their partner on their own but once the marriage is fixed decisions related to marriage rituals are taken by the community and mostly by the headman and panchayet.

## Chapter 6

### Role of civil society and communities to support child rights

#### 6.1 Existing social protection mechanism

##### 6.1.1 Social Protection Mechanism to protect children from Sexual Abuse in tea garden

Virtually there is no social protection mechanism in garden to protect children from different types of abuses and early marriage. Children stay alone at home for the whole day and hardly any member in immediate family remains at home to take care of them. Through BTS program children learn the self-protection mechanism against sexual abuse and harassment in the two tea gardens. Actual scenario of all gardens are that parents work for long hours and due to their exhausting work schedule as well as life style it is difficult for them to ensure safety for their children at home as well as out of home environment.

CBCPC recently formed in one ward of khalighat union, but the committee is too new and yet not fully aware about their role. Though the committee is headed by the female member but at union level they have no reporting mechanism. There is a standing committee in union parishad called 'family conflict eradication and women and a welfare standing committee' to look after the issues of violence against women and children but UP chairmen and members do not know the role of this committee<sup>16</sup>. Clan, Panchayet and chairman try to address the reported cases of sexual abuses and violence against children. They mainly try to mediate, they fine abuser's family or arrange marriage ceremony (between boy and girl) if they are from same clan and religion. In case of early marriage none of the bodies have any role to play<sup>17</sup>. Most of the marriages are self-initiated. In this culture boys and girls started having relationship at a very early age and by the age of 14 girls get married and boys mostly get married before 18.

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<sup>16</sup> This is the old VAW committee got a new name and along within women assigned to look after the problem of children also. Since last two term of BNP govt. these committees at UP, Upazilla and district do not have any budgetary allocation to do any work actively.

<sup>17</sup> UNO and UP is responsible to take action against early marriage and stop marriage of below 18 girls and below 21 boys. Kazi's need to check the age of the bride and groom before marrying them religiously and officially. But in tea garden the culture is different for marriage they do not need to call kazi and they do not have any relation with Upazila or UP for any type of services. None of their marriages are even registered so officially none of the bodies are in a position to take any measure against child marriage. According to thana, ex-members of level trade union and media people no one even wants to intervene in Tea Garden because garden owners are powerful they then the state mechanism.



### **6.1.2 Social Protection Mechanism to protect children from other form of ill treatment and violence.**

Other forms of ill treatment and violence as reported during our survey are: Heating and scolding by teachers, teasing and harassment by the friends, relatives, neighbor, teachers, outsiders etc. Garden owners and panchayet even do not consider these types of violence and ill treatment as an issue to worry about. In these cases no such protection mechanism was found. As a result such occurrences are happening quite often and children are continuously going through psycho- social trauma in their own life in different degrees. Teachers are heating and abusing children in different ways. Rate of corporal punishment is too high in the schools of gardens, though there is a law of the land which clearly declared that giving corporal punishment at school is a punishable act for teachers.

### **6.2 Coordination and Collaboration among sector player and Multilayer role of NGO's, Go and Civil Society:**

Findings show that in different levels there are different actors who can jointly play a strong role in protecting children from various kinds of abuses. But there is a conflict of interest among the sector players to work together and due to the interference of national political parties in the garden therefore, at present garden owners do not like to involve themselves in the day to day life management of the garden. At the level of NGO intervention they have virtually no functional relation with each other. A few NGOs are implementing some projects in the gardens especially on education and hygiene practice. But none are providing health education and training on child protection issues and to stop child marriage. Existing health care facilities of GoB and others do not have any counselling and reproductive health services available for children. In tea garden, children need to get access to a comprehensive service in order to protect them from all kinds of violence against them and from child marriage. We found LEB members and religious leaders i.e purohit's and mollah's in the intervention areas, who are cooperating and coordinating with the respective NGOs but they hardly get access to the garden. In addition ethnic minority groups do not take any help from them. Rather they are scared about plain land Bangladeshi's as they think they are powerless and socially outcast people. BTS has done a service provider mapping in Sreemongal upazilla, which will help their target people to get the services from right place as needed.

At local level, govt. officers are not concern about CSA issue as the responsibility has not yet been delegated from the top<sup>18</sup>. Generally LEB members have access to tea garden

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<sup>18</sup> According to our findings different govt. departments who are dealing with children i.e. social welfare directorate, ministry of women and children affaires, education ministry, ministry of labour and law ministry are some of them who are not having intra and inter-ministerial cooperation.

communities and there are UP members and chairmen who are from the gardens yet they do not like to change their cultural practices and come out of their own community to take help from state mechanism i.e UP, Upazilla or Thana to protect children from various forms of violence and child marriage<sup>19</sup>. Our findings from KII with respective govt. officer and FGDs with NGOs, local government institutions and media show that among these different sector players they have minimum coordination and collaboration<sup>20</sup>.

### **6.3 Current status of the role of tea garden management and panchayet in protecting children from sexual abuse and child marriage.**

In 2014 August a new locally elected body called Panchayet<sup>21</sup> was formed to look after the interest of tea garden labours. A seven member Panchayet team is elected for 2 years by the tea garden registered labours to negotiate/facilitate as well as ensure the common interest of the garden labours through a written dialog with the tea garden authority. Beyond these responsibilities panchayet also works as the arbitration body in the garden for all ethnic groups. When head men's fail to solve any case of sexual abuse or other form of abuse or fail to stop marriage outside their own group or religion they take up the case to panchayet and only that time panchayet get involve into arbitration. If panchayet feels that it is needed to inform the UP only then they involve the respective up member in arbitration process.

Before 2005 Garden management was actively involved in ensuring social security for labours and their families. Since 2005 national political parties entered into the tea garden as 55% of the voter of Sreemongal lives in tea garden. Due to political interference a nonpolitical trade union and panchayet became weak and powerless. Also outsider's access in the garden increased. There are some outsiders who even bought land from labours and made houses there. As all these relatively new factors been introduced within the ethnic minority, now garden management takes back step and they do not involve themselves in any matter of the everyday life of labours. Traditionally garden managers used to play a vital role in marriage and to stop sexual abuse and gender based violence in garden. Garden management also participated and contributed to various socio cultural events and ceremonies<sup>22</sup>. At that time anything happening within the garden (social, cultural, personal) was the concern of garden management and was

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<sup>19</sup> Among the ethnic groups it is natural that children after puberty should have sex with others. Unless someone force them to have sex or touch them against their will only then they consider that act as abuse.

<sup>20</sup> Even Same INGO's different section have been implementing different program in the same upazilla and also to the same garden through different PNGOs but PNGOs and different section of INGO do not have any working relation among them.

<sup>21</sup> Panchayet is the lowest tire of trade union. Unless panchayet hand over any agreement relate problem level trade union do not enter into the garden. But every two years level trade union negotiate all terms of condition with gardss en owners and singe the agreement for labor.

<sup>22</sup>

monitored by them. Any social and legal issues within tea garden were first reported to garden management for action. No matter how big or small the issue is every matter was handled by garden management with their own rules and regulations within their territory without any external interference. Since 2005 as level trade union and panchayet become a political entity in Sreemongal, tea garden management has withdrawn their support /control from the day to day affairs of garden laborers as well as their socio cultural issues. At present Garden management does not play any functional role in protecting children who are sexually abused within the garden.

#### **6.4 Current status of respective govt. offices in child protection form sexual abuse, ill treatment and any form of violence.**

At the community level government representatives are the union parishad, upazila administration (UNO), police, women affairs officer, social welfare officers etc. The fact is whatever happening within the tea garden usually not known to others beyond that physical territory. Sometimes union parishad members who belong to the tea garden are being informed about such incidences however, they are not in a position to exercise any power such as voice raising or taking any affirmative action against it. Women members are responsible to look after the issues of child marriage, violence against women and children etc but mostly they are unable to perform their duties. They are also not aware about their responsibilities. Chairman does not give the proper direction to handle such issues. UP members try to avoid any dispute with the garden therefore do not want to get themselves involved with the abuse or harassment issues. They always prefer to maintain good relationship with the garden as 55% of the total voters are the garden labours.

UNO is the administrative head at the upazila level. Even if tea garden area belongs to his/her administrative territory however he/she has no clue what is happening inside the garden. UNO has his agenda on these issues but never discuss the situation of children living in tea garden in the monthly coordination meeting.

Women development officer and social welfare officer at the union parishad/ Upazila do only stereo type routine desk work. They have no orientation to look into community based socio cultural issues and to them tea gardens are out of their working area<sup>23</sup>. So they do not look into child protection issues and the issue of early child marriage in tea gardens. It is also the fact that tea garden owners maintain their secrecy within the garden and do not disclose any violence as well as abuse incidences to outside government

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<sup>23</sup> For example in Deshidron union we worked in a private owned garden Hosenabad, where the primary school head teacher himself is an abuser and with the help of UP he has been send to the thana twice but nothing happened to this man. Both time he has been released from the thana and to get release garden owners and powerful political people helped him.

and non-government machineries. They even do not allow media people to enter into the tea garden for reporting.

### **6.5 Current status of local media in child protection form sexual abuse, ill treatment and violence.**

Compare to need though in a very small scale still electronic and printing both media started recognizing that CSA is a growing problem in the society at large. Some of the national dailies started publishing different articles, cases and interviews of activist who are working to end child sexual abuse in this society, but media is hardly focused on minority communities like tea garden. In Sreemongal our findings show that media people consider early marriage, having sex at a very early age, sexual abuse etc. are the part of life of people living in the tea garden and all these are happening due to their cultural practice of openness and free mixing between both sex<sup>24</sup>. They even do not feel that these are the issues which need to be highlighted by doing investigative journalism. Therefore, local media currently is not playing a strong role in child protection. Media people are controlled by the garden owners, BCS, BCU and three tier trade union people as they are really very powerful in the country. Usually media do not get the access to the garden for any kind of reporting. Couple of years ago two BBC journalists without having any permission went to the tea gardens of Finlay and they had done video documentation of the living condition of tea garden labors. When owner's association came to know about it they stopped them from leaving the place without handing over the video tape to the owners and since then there is an embargo for foreigners to go to any tea garden without the permission of owner's and BCS. In this study we talked to the media as source to get information, but they have conceptual gap. To them Sexual abuse means rape or attempt to rape or serious physical assaults. So unless something serious happens they do not take it as an issue to report/ write ????. On the other hand there is no journalist who is involved in investigative journalism and can take up these issues of child sexual abuse, violence against children and early marriage for investigation and they also ignore any case of child sexual abuse or violence unless that has some political dimension. Journalists also do not take up any case for reporting where owners of the tea gardens are involved. On the other hand media people need to be well educated about the issues like CSA, early marriage and gender based violence.

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<sup>24</sup> For example in the tea garden all men and women from different ages takes bath together in the open waterfalls and children grow up by seeing that they can be open and nude in front of other men's. Apart from these bathing they also live in one room hut and in FGD children said many of them seen that their parents are having sex at night and this is natural to them.

## Chapter 7

### Recommendations and Conclusion

Unlike other part of the country child sexual abuse in tea garden is such a sensitive issue that most of the time it may not be possible to discuss with others. It is about one's traumatic experience within her/his family which may destroy the 'safe world' of a child forever. Moreover, disclosure of it may mean losing one's own ethnic groups dignity in front of other groups and this is extremely shameful for that particular group, therefore unless someone do anything forcefully they do not consider it as sexual violence. But in tea garden sexual abuse hardly reported and recognized. In case of children ill treatment and gender based violence not reported as violence as these are part of the process of teaching children discipline. Therefore individual family needs and individual groups needs have to be addressed relating to these issues. Here are some recommendations for future direction of the project;

- At present there are no services available in Gardens to protect children from sexual abuse, early marriage and ill treatment therefore; BTS needs to scale up their current program in other unions and gardens as well.
- Situation of children living in tea gardens are different from rest of the Bangladesh. Children are much more exposed to sex and violence but the entire community have knowledge gap regarding sexual abuse, Child rights and development. Due to the culture of the ethnic groups it has been regarded as rights of children to enjoy sex earliest at the age of 10 and the mean age of children having sex is 12 years. BTS needs to scale up their awareness program gradually in the whole tea garden areas of Sreemongal.
- In tea garden, addressing one issue will not solve the problem of children and that will not protect them from sexual abuse, early marriage and gender based violence. Organizations like BTS need to implement integrated program which will address other issues i.e health education, education, WASH and child protection.
- Children are having sexual contact too early and they do not have any health education therefore children are at high risk to get STIs and STDs. BTS along with its child protection and awareness program also need to introduce reproductive health education in Tea Garden areas.
- Adults need to be part of the whole program. Unless adults realize that they need to change some of their cultural practices for the better future of their own children none of the awareness program will be effective for the population living in the tea garden.

- For the safety of the children, BTS needs to do advocacy with Bangladesh Cha Sangshad (BCS) and Bangladesh Cha Union (BCU) to establish day-care facility for children of tea labor.
- In order to protect children from early marriage and to bring them under marriage and birth registration law of the land, BTS needs to do strong advocacy with UPs and Upazila to actively work in the tea garden.
- Also BTS needs to do lobbying with line ministry to ensure stipend for all primary school children in tea garden and for those who are studying in high school to increase the age of marriage of girls.
- To make the awareness program more effective and to establish a good governance system within the garden BTS needs to work with multi-level community groups, trade unions, panchayet and needs to build a strong social network between the groups.
- To aware the community people BTS can introduce Window method in the community program

## **Conclusion**

Our journey through the lives of children and the organizations working in tea gardens has been an eye opener. We have come across incidents that have been unheard before. What we do with this information is the next big question. Where and how programs that is working somewhat effectively in this area can go, can we help them to develop better programs that reach more children, families and ethnic communities, and where would the 'financial' support come from are some questions that we need to address. Hopefully this report will shed some light on these important issues.

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